



TEXAS Board of
Architectural Examiners
Architects • Landscape Architects • Registered Interior Designers

Employee Handbook

FY2018 – FY2019

The TBAE Employee Handbook

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Introductory Statements

Effective Date: 09/01/2002
Revision Date: 12/01/2010
Revision Date: 10/01/2017

Employee Handbook Statement

This Employee Handbook summarizes various employment related policies, procedures, and benefits for the Texas Board of Architectural Examiners (TBAE) and is for informational purposes only. This handbook is not intended to be a contract. Any questions regarding the handbook should be directed to the employee's supervisor and/or the Human Resources Department.

Revisions and additions to this handbook may be made from time to time.

Employee Handbook Changes

The Employee Handbook is maintained by Human Resources. Employees will receive notification when changes occur to the handbook. It is the employee's responsibility to read and abide by those changes. An updated hardcopy is located in the Agency Policies and Procedures folder on the agency's departments (G) shared drive.

Status of the Handbook

The TBAE reserves the right to add new policies, and to change or cancel existing policies at any time. We will notify employees of any changes to the handbook as they occur. The policies and rules contained in this handbook are binding upon all employees. While employment may be terminated without cause, a violation of any of the policies and rules may also result in disciplinary action, including discharge for cause.

Organization Description

The TBAE was created by the Texas Legislature in 1937 and has evolved from an agency originally designed to regulate the profession of architecture to one whose jurisdiction also includes landscape architecture and interior design. With fewer than 26 employees, The TBAE is considered a small agency and is somewhat unique in Texas for its regulation of three separate professions. The current nine-member Board, appointed by the Governor of Texas, is made up of four architects, one landscape architect, one interior designer, and three public members. At least one public member is required to be a person with a physical disability.

The TBAE Mission Statement

The mission of the Texas Board of Architectural Examiners (TBAE) is to serve the State of Texas by protecting and preserving the health, safety, and welfare of the Texans who live, work, and play in the built environment through the regulation of the practice of architecture, landscape architecture, and interior design.

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Introductory Statements

The TBAE Philosophy

We approach our work with a deep sense of purpose to serve and protect the public.

The TBAE Values

The principles that that we embrace are:

Ethics

We are committed to a balanced approach towards regulation and will employ professional practices that demonstrate integrity.

Communication

We pledge to foster courtesy, respect, and collaboration among ourselves and with the public.

Quality

We believe that quality comes from a synergy of commitment, experience, attention to detail, and innovation.

Teambuilding

We pledge to encourage and invest in the talents, energies, and creative qualities of our employees.

Service

We hold ourselves accountable to providing service that is accurate, efficient, and timely.

Excellence

We strive to be innovative and creative in the administration and enforcement of public policy.

Section I – Special Policies

At-Will Employment

Effective Date: 09/01/2002
Revision Date: 12/01/2010
Revision Date: 10/01/2017

The TBAE is an at-will employer and all TBAE employees are employed “at-will” and there is no implied contract of employment. “At-will” employment defines an employment relationship in which either party can terminate the relationship with no liability if there is no express contract for a definite term governing the employment relationship. Under this legal doctrine:

1. Any hiring is presumed to be “at-will”. That is, the TBAE is free to discharge individuals “for good cause, or bad cause, or no cause at all.”
2. The employee is equally free to quit or otherwise cease work.

Only the Executive Director is authorized to enter into an employment contract with any employee. In the event of such a contract, it will be in writing. No oral agreements will be binding on the agency.

This handbook is not an employment contract and is not intended to create contractual obligations of any kind.

Equal Employment Opportunity

Effective Date: 09/01/2002
Revision Date: 12/01/2010
Revision Date: 01/29/2018

All employees and job applicants are guaranteed equality of employment opportunity under state and federal law. Essentially, this means that the TBAE will not discriminate against any employee or applicant on the basis of race, color, religion, sex, age, national origin, citizenship status, and disability, or past, present or future status in the uniformed services of the United States in accordance with applicable federal laws. This applies, but is not limited to hiring, placement, promotion, termination, layoff, transfer, compensation, training and leaves of absence. All other personnel policies and practices of the TBAE, including compensation, benefits, discipline, and safety and health programs, as well as social and recreational activities, will be administered and conducted without regard to an individual's race, color, religion, sex, age, national origin, disability, or past, present or future status in the uniformed services of the United States in accordance with applicable federal laws.

The Executive Director has signed the following **Equal Employment Opportunity Policy Statement**: Further, anyone found to be engaging in any type of unlawful discrimination will be subject to disciplinary action, up to and including termination of employment.

EQUAL EMPLOYMENT OPPORTUNITY POLICY STATEMENT

It is the policy of the Texas Board of Architectural Examiners (TBAE) not to discriminate against any employee or applicant for employment because of race, color, religion, sex, sexual orientation, gender identity, national origin, age, marital status, genetic information, disability or because he or she is a protected veteran. It is also the policy of the TBAE to take affirmative action to employ and to advance in employment, all persons regardless of race, color, religion, sex, sexual orientation, gender identity, national origin, age, marital status, genetic information, disability or protected veteran status, and to base all employment decisions only on valid job requirements. This policy shall apply to all employment actions, including but not limited to recruitment, hiring, upgrading, promotion, transfer, demotion, layoff, rehire, termination, rates of pay or other forms of compensation and selection for training, including apprenticeship, at all levels of employment.

Employees and applicants of the TBAE will not be subject to harassment on the basis of race, color, religion, sex, sexual orientation, gender identity, national origin, age, marital status, genetic information, disability or because he or she is a protected veteran. Additionally, retaliation, including intimidation, threats, or coercion, because an employee or applicant has objected to discrimination, engaged or may engage in filing a complaint, assisted in a review, investigation, or hearing or have otherwise sought to obtain their legal rights under any Federal, State, or local EEO law is prohibited.

As the Executive Director of the TBAE, I am committed to the principles of Affirmative Action and Equal Employment Opportunity. In order to ensure dissemination and implementation of Equal Employment Opportunity and affirmative action throughout all levels of the company, the Human Resources Specialist, is the agency's Equal Employment Opportunity (EEO) Representative.

We request the support of all employees in accomplishing Equal Employment Opportunity.

Julie Hildebrand
Executive Director

January 29, 2018

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Section I – Special Policies

Texas Workforce Commission

The Texas Workforce Commission (Commission) is responsible for the education on and enforcement of certain state and federal employment laws. The Commission serves as the State's Fair Employment Practices agency that is authorized, with respect to unlawful employment practices, to seek relief, grant relief, and institute criminal proceedings related to state and federal employment laws. The Commission provides training to help state agencies and institutions of higher education improve their understanding and compliance with Equal Employment Opportunity laws.

A person, or the person's agent, claiming to be discriminated against by an unlawful employment practice may file a complaint with the Commission.

Harassment

The Agency is committed to providing a workplace free of intimidation, threats, coercion or discrimination (which includes harassment based on gender, pregnancy, childbirth, or related medical conditions) as well as harassment, intimidation, threats, coercion or discrimination based on such factors as race, color, religion, national origin, ancestry, age, physical disability, mental disability, medical condition, or past, present or future status in the uniformed services of the United States in accordance with applicable federal laws. The TBAE expects every employee to be treated with fairness, respect and dignity. Harassment includes slurs and any other offensive remarks, jokes, graphic material or other verbal, written or physical conduct that creates an intimidating, offensive, threatening, or hostile environment. Reported complaints of harassment will promptly be investigated in as confidential a manner as possible. An employee who is determined, after investigation, to have engaged in harassment in violation of this policy will be subject to appropriate action. Appropriate action can range from verbal or written warnings up to and including termination, depending on the circumstances.

Employee Complaints

An employee who believes that he or she has been the subject of discrimination based on race, color, ethnicity, gender, religion, national origin, age, or disability, or that offensive or derogatory remarks have been made about religious, racial, ethnic, color, age, national origin characteristics, or disability should immediately report the incident. A report may be made to the Human Resources Department, the General Counsel, the Executive Director, or any supervisor. It is helpful if the employee submits a written report with details of the incident(s), but it is not necessary.

Retaliation Prohibited

It is the policy of the TBAE that an employee will not be subjected to retaliation for reporting, in good faith, of discrimination based on race, ethnicity, gender, age, national origin, or religion. The TBAE also prohibits retaliation against any individual who opposes a discriminatory practice; files a charge; or testifies, assists, or participates in an investigative proceeding or hearing.

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Any employee who retaliates, in any form, against an employee for exercising Equal Employment Opportunity rights will be in violation of the agency's EEO policy, and is subject to disciplinary action, up to and including termination.

Although an employee is not to be retaliated against for making a good faith discrimination, harassment, or hostile work environment complaint, that employee, like all employees, is still expected to comply with agency policies and performance standards. All employees are subject to disciplinary action for violation of agency policy or failure to perform up to acceptable standards.

Mandatory Training

Each state agency and institution of higher education is required to provide training to each new employee on policies and procedures regarding employment discrimination and sexual harassment no later than 30 days after the date of hire. In addition, supplemental training is required every two years. A signed statement verifying attendance is required to be maintained in each employee's personnel file.

The Texas Workforce Commission's Civil Rights Division is responsible for the education on and enforcement of certain state and federal employment laws. A person claiming to be discriminated against or aggrieved by an unlawful employment practice, or the person's agent, may file a complaint with the Civil Rights Division.

Sexual Harassment

Sexual harassment is a form of gender-based discrimination prohibited by Title VII of the Civil Rights Act of 1964. Sexual harassment is defined within the Code of Federal Regulations as:

“Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

The TBAE seeks to maintain a working environment free from sexual harassment. The TBAE will not tolerate any form of unlawful harassment by any person in the workplace, including non-employees such as: contractors, vendors, and staff of other state agencies.

Any employee engaging in sexual or other unlawful harassment will be subject to disciplinary action, up to and including termination of employment. Under the Texas Penal Code, it is a criminal offense for an employee of the TBAE to intentionally subject another to sexual harassment.

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Section I – Special Policies

Reporting Harassment

Any employee who feels that he or she has been the victim of sexual harassment and any employee or other person witnessing an incident of sexual harassment is encouraged to report the incident immediately to the supervisor, Human Resources, or the General Counsel.

All reports of sexual harassment will be promptly investigated. Additionally, if the complainant does not wish his or her identity to be revealed to the alleged offender, the Human Resources Program Specialist, and others involved in investigating the complaint will strive to maintain confidentiality. Substantiated complaints of sexual harassment will be effectively and promptly addressed and the complainant will be advised of the action taken. If the result of the investigation does not substantiate the complaint, both the complainant and alleged offender will be so advised. The TBAE shall take such action it deems appropriate, depending upon the circumstances and in accordance with the disciplinary policies and procedures.

Any employee who becomes aware of any such conduct by any employee, supervisor, or manager should immediately advise his or her supervisor or the Human Resources Program Specialist. Any supervisor or manager who becomes aware of possible sexual or other unlawful harassment must advise the Human Resources Program Specialist immediately so the matter can be investigated in a timely and confidential manner.

Remedial Actions

When a complaint or report is made of harassment, it will be investigated as soon as possible after the complaint or report is received. Investigations will be handled promptly and discreetly. To the extent possible, the confidentiality of the complaint, any witnesses and the alleged harasser will be protected against unnecessary disclosure. When the investigation is completed, the complainant will be informed of the outcome of the investigation.

If it is determined that sexual harassment has occurred, appropriate corrective and preventive actions will be taken promptly, up to and including immediate termination for an offending employee. The severity of the remedy or discipline will be determined by the severity and frequency of the conduct, or other conditions surrounding the incident. After the investigation is concluded and any corrective action has been taken, the Human Resources Program Specialist and/or the supervisor will continue to monitor the circumstances surrounding the complaint to ensure that the situation has been remedied. If your supervisor is the individual committing the harassment in question, make your complaint to your supervisor's immediate superior. It is important, particularly in hostile environment cases, that the TBAE's management is aware of the harassment. Employees are encouraged to speak up immediately if any inappropriate or offensive behavior persists.

Although an employee is not to be retaliated against for making a good faith discrimination, harassment, or hostile work environment complaint, that employee, like all

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employees, is still expected to comply with agency policies and performance standards. All employees are subject to disciplinary action for violation of agency policy or failure to perform up to acceptable standards.

Any employee engaging in sexual or other unlawful harassment will be subject to disciplinary action, up to and including termination of employment. Under the Texas Penal Code, it is a criminal offense for an employee of The TBAE to intentionally subject another to sexual harassment.

Employee Notification

The Human Resources Department will ensure that all employees are informed of the TBAE EEO and Sexual and Other Unlawful Harassment Policy. The policy will be distributed via email at the beginning of each fiscal year.

Age Discrimination in Employment Act of 1967 (ADEA)

The Age Discrimination in Employment Act of 1967 (ADEA) and the Texas Labor Code prohibit discrimination against an employee or job applicant because of his or her age with respect to any term, condition or privilege of employment including, but limited to, hiring, firing, promotion, layoff, compensation, benefits, job assignments, and training. Employees aged 40 and older are protected from such age-related discrimination.

Workplace Accommodation

Effective Date: 09/01/2002
Revision Date: 12/01/2010
Revision Date: 09/01/2015

Reasonable Accommodations

The Americans with Disabilities Act (ADA) prohibits discrimination against a qualified individual with a disability with regard to employment practices, such as job application, hiring, promotion, discharge, compensation, training benefits, and other terms and conditions of employment. The term **disability** means, with respect to an individual:

1. having a mental or physical impairment which substantially limits one or more of the major life activities such as hearing, seeing, speaking, breathing, performing manual tasks, walking, learning, working and caring for oneself, sitting, standing, lifting, and mental and emotional processes such as thinking, concentrating, and interacting with others, and major bodily functions;
2. having a record of such impairment; or
3. regarded as having such impairment.

Those regarded as having such impairment are not entitled to reasonable accommodation. “Substantially-limits” means to prohibit or significantly restrict an individual’s ability to perform major life activities as compared to the ability of the average person in the general population to perform the same activity. In addition, the ADA protects individuals who have a family, business, social or other relationships or

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associations with persons who have known disabilities. Although temporary non-chronic impairments of short duration are usually not disabilities, impairment does not have to be permanent to rise to the level of a disability. Temporary impairments that take significantly longer than normal to heal, long-term impairments, or potentially long-term impairments of indefinite duration may be disabilities if they are severe.

The agency will make a good faith effort to provide reasonable accommodation that is effective for an otherwise qualified employee who is disabled or becomes disabled and needs assistance to perform the essential functions of the position. The interactive process shall be used to determine what, if any, reasonable accommodation will be made.

If an applicant or an employee indicates that they can perform the essential functions of the job and volunteers the need for an accommodation, the interviewer or supervisor may ask the employee how will they perform the essential functions and what accommodations will be necessary.

Reasonable Accommodation Defined

Reasonable accommodation is any change or adjustment to a job or work environment that permits a qualified applicant or employee with a disability to participate in the job application process or to perform the essential functions of a job. The TBAE will provide reasonable accommodation based on a medically documented physical or mental limitation of a qualified applicant or employee with a disability unless the accommodation imposes an undue hardship on the agency. ***It is the responsibility of the applicant or employee to request reasonable accommodation.***

Request Process

Requests for an accommodation requires an ongoing dialogue between the employee, supervisor, Human Resources and the General Counsel about possible options for reasonably accommodating the employee's disability. Requests and review of potential reasonable accommodations must be submitted as soon as possible so that prompt and timely attention can be provided to the situation. Options may include, but are not limited to: a modified work schedule; a leave of absence; reassignment; modified equipment; assistive devices; modification of existing facilities; and restructuring the job. Both the agency and the employee are expected to participate in the request process. During the request process, the agency considers information related to the essential functions of the job, functional limitations, possible accommodations, the reasonableness of possible accommodations, and implementation of a reasonable accommodation. This information will be used by the Agency to determine what, if any, reasonable accommodation will be made. Agency procedures provide further guidance on the implementation of the interactive process.

Medical Documentation

The employee is responsible for providing medical documentation to assist in understanding the nature of the employee's functional limitations. When necessary, the

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TBAE may require that the employee be examined by an Agency appointed licensed healthcare provider. In such a case, the Agency shall pay the costs of any medical examinations requested or required by the Agency.

Undue Hardship

An employer does not have to provide a reasonable accommodation that would cause an "undue hardship" to the employer. Undue hardship must be based on an individualized assessment of current circumstances that show that a specific reasonable accommodation would cause significant difficulty or expense. A determination of undue hardship should be based on several factors, including:

1. whether an employee has a qualifying disability under the ADA;
2. the nature and cost of the accommodation needed;
3. methods and sources of reasonable accommodation for particular disabilities;
4. the availability of funding;
5. the effect of the accommodation on the safety of the requestor or others;
6. the amount of disruption to the work of other employees; and
7. the impact on the agency's ability to conduct business.

Confidential Information

In addition to ADA information, all medical information concerning employees will be kept confidential to the extent required by the ADA and other law. This includes any doctor's statements, leave forms, or any other information that pertains to the medical condition or medical history of an employee. The TBAE requires all individuals who may access medical information to maintain confidentiality of this information.

Employee Appeals

Employees may appeal the final decision regarding reasonable accommodation requests by following the procedures as detailed in the Employee Complaint Resolution policy.

The TBAE is committed to complying fully with the Americans with Disabilities Act (ADA) and ensuring equal opportunity in employment for qualified persons with disabilities. One of the goals of the ADA is the removal of barriers that prevent individuals with disabilities from enjoying the same employment opportunities that are available to those without disabilities.

This policy is neither exhaustive nor exclusive. The TBAE is committed to taking all reasonable actions necessary to ensure equal employment opportunity for persons with disabilities in accordance with the ADA and all other applicable federal, state, and local laws.

Employment Opportunities

All employment practices and activities are conducted on a non-discriminatory basis. The TBAE's hiring procedures have been reviewed and provide persons with disabilities

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meaningful employment opportunities. When requested, the TBAE will make job applications available in alternative, accessible formats, as well as provide assistance in completing the application. Pre-employment inquiries are made only regarding an applicant's ability to perform the duties of the position.

All employment decisions are based on the merits of the situation in accordance with defined criteria, not the disability of the individual. Qualified individuals with disabilities are entitled to equal pay and other forms of compensation (or changes in compensation) as well as job assignments, classifications, organizational structures, position descriptions, lines of progression, and seniority lists.

The TBAE is committed to not discriminating against any qualified employee or applicant because the person is related to or associated with a person with a disability. The TBAE will follow any state or local law that provides individuals with disabilities greater protection than the ADA.

Religious Affiliation Discrimination

Title VII of the Civil Rights Act of 1964, as well as Labor Code, Chapter 21, prohibits employment discrimination because of race, sex, color, national origin, religion, age, and mental or physical disability. The TBAE reasonably accommodates the religious practices of an employee or prospective employee, unless to do so would pose an undue hardship. The TBAE reasonably adjusts religious accommodation to the work environment that allows an employee or applicant to practice their religion. The TBAE will implement flexible scheduling, voluntary substitutions or swaps, job reassignments, and lateral transfers to accommodate an employee's religious beliefs.

Equal Pay Act of 1963 (EPA)

The Equal Pay Act (EPA) of 1963 requires that men and women be given equal pay for equal work in the same establishment. The jobs need not be identical, but they must be substantially equal. It is job content, not job titles, that determines whether jobs are substantially equal. The TBAE will not pay unequal wages to its employees who perform jobs that require substantially equal skill, effort, and responsibility and that are performed under similar working conditions within the TBAE.

Pregnancy Discrimination

The Pregnancy Discrimination Act (PDA) is an amendment to Title VII of the Civil Rights Act of 1964. Discrimination on the basis of pregnancy, childbirth, or related medical conditions constitutes unlawful sex discrimination under Title VII. The TBAE treats its employees affected by pregnancy or related conditions in the same manner as other applicants or employees who are similar in their ability or inability to work.

Hiring and Working Conditions

The TBAE does not refuse to hire a woman because of her pregnancy related condition as long as she is able to perform the major functions of her job. The TBAE does not

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refuse to hire her because of its prejudices against pregnant workers or because of the prejudices of co-workers, clients, or customers. The TBAE enforces the PDA that forbids discrimination based on pregnancy when it comes to any other aspect of employment, including pay, job assignments, promotions, layoffs, training, fringe benefits, firing, and any other term or condition of employment.

Pregnancy and Maternity Leave

The Federal Pregnancy Discrimination Act of 1978 and Texas Labor Code, Chapter 21, prohibit discrimination on the basis of pregnancy, childbirth, or related medical conditions. Women affected by pregnancy, childbirth, or related conditions must be treated in the same manner as other employees or applicants who have medical conditions that place a similar limitation on their ability or inability to work. For example, if the TBAE requires its employees to submit a doctor's statement concerning their inability to work before granting leave or paying sick benefits, the TBAE requires employees affected by pregnancy related conditions to do the same.

Pregnant employees of the TBAE are permitted to work as long as they are able to perform their jobs. If an employee has been absent from work because of a pregnancy related condition and recovers, the TBAE does not require her to remain on leave until the baby's birth. Nor does the TBAE have a rule that prohibits an employee from returning to work for a predetermined length of time after childbirth.

The TBAE allows temporarily disabled employees to take disability leave or leave without pay due to pregnancy and will hold open a job for a pregnancy related absence the same length of time that jobs are held open for employees on sick or temporary disability leave.

Further, under the Family and Medical Leave Act (FMLA) of 1993, enforced by the U.S. Department of Labor, a new parent (including foster and adoptive parents) may be eligible for 12 weeks of leave (unpaid, or paid if the employee has earned or accrued it) that may be used for care of the new child. To be eligible, the employee must have worked for the employer for 12 months prior to taking the leave and the employer must have a specified number of employees. For more information please see www.dol.gov/whd/regs/compliance/whdfs28.htm.

Equal Access to Benefits

The TBAE provides benefits to workers on medical leave, the same benefits offered to those employees on medical leave for pregnancy related conditions. Employees with pregnancy related disabilities are treated the same as other temporarily disabled employees for accrual and crediting of seniority, vacation calculation, pay increases, and temporary disability benefits.

The TBAE is committed to not discriminating against any qualified employee or applicant because the person is related to or associated with a person with a disability. The TBAE will follow any state or local law that provides individuals with disabilities greater protection than the ADA.

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Right to Express Breast Milk in the Workplace

The TBAE supports the practice of breastfeeding mothers to express milk during work hours in reasonable proximity to the employee's work area. Employees who have private offices may use their office to express milk. The TBAE restrooms and kitchens may be used for cleaning equipment and supplies. The TBAE will provide:

1. Provide a reasonable amount of break time for an employee to express breast milk as needed.
2. Provide a place, other than a multiple user bathroom, that is shielded from view and free from intrusion from other employees and the public where the employee can express breast milk.

The TBAE will not suspend or terminate the employment of, or otherwise discriminate against an employee who asserts their rights to express breast milk.

Employees should contact the Operations Manager or Human Resources to coordinate the use of a designated private room to express milk.

Required Posters at the Workplace

Effective Date: 10/01/2017

Various laws require the TBAE to display posters communicating employment rights for individuals in the workplace. These posters are available, free of charge, from various state and federal agencies. Here is a list of posters that may be required for posting as well as a link for these resources that is available through the Texas Workforce Commission's Web site at <http://www.twc.state.tx.us/businesses/posters-workplace>

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Required Workplace Posters	
Issuing Agency	Poster Title
Texas Office of Inured Employee Counsel	<i>Employer's Notice of Ombudsman Program</i>
Texas Department of Insurance	<i>Workers' Compensation Posters</i>
Texas Department of State Health Services	<i>Texas Hazard Communication Act</i>
Texas Office of the Attorney General	<i>You Have the Right to Not Remain Silent</i>
Texas Workforce Commission	<i>The Law in Texas (optional poster)</i>
U.S. Department of Labor, Employment and Training Administration	<i>Job Service Complaint System</i>
U.S. Department of Labor, Occupational Safety and Health Administration (OSHA)	<i>Job Safety and Health-It's the Law</i>
U.S. Department of Labor, Veterans' Employment and Training Service	<i>Your Rights Under USERRA</i>
U.S. Department of Labor, Wage and Hour Division	<i>Employee Rights Under the Fair Labor Standards Act</i>
U.S. Department of Labor, Wage and Hour Division	<i>Employee Rights Under the Family and Medical Leave Act</i>
U.S. Department of Labor, Wage and Hour Division	<i>Migrant and Seasonal Agricultural Worker Protection Act</i>
U.S. Equal Employment Opportunity Commission	<i>Equal Employment Opportunity is the Law</i>

Employee Complaint Resolution

Effective Date: 09/01/2002

Revision Date: 12/01/2010

The TBAE seeks to provide the best possible working conditions for employees. Part of this commitment is encouraging an open and frank atmosphere in which any problem, complaint, suggestion, or question receives a timely response from the TBAE supervisors and management.

The TBAE strives to ensure fair and honest treatment of all employees. Supervisors, managers, and employees are expected to treat each other with mutual respect. Employees are encouraged to respectfully offer positive and constructive criticism to each other.

Not every problem can be resolved to everyone's total satisfaction, but only through understanding and discussion of mutual problems can employees and management develop confidence in each other. This confidence is important to the operation of an efficient and harmonious work environment.

Making a Complaint

Employees are encouraged to express concerns regarding established rules of conduct, policies, or practices, the Employee Complaint Resolution procedure. An employee will not be penalized, formally or informally, for voicing a complaint with the TBAE in a reasonable, business-like manner, or for using the Complaint Resolution procedure.

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If an employee believes that a condition of employment is unjust or inequitable, the employee is encouraged to present the problem to his or her supervisor within ten (10) days after the incident occurs. If the supervisor is unavailable or if it is believed it would be inappropriate to contact that person, the employee should present the problem to the Human Resources Program Specialist or any other member of management.

Informal Resolution

Whenever possible, and in accordance with the desires of the employee filing the complaint, the matter will be resolved informally. Informal resolution may include mediation when the parties agree. These mediation services may include consultation with the employee and any other parties involved, either separately or jointly. Confidentiality in investigation and resolution of the complaint will be maintained to the extent possible.

When a complaint is resolved informally, the Human Resources Department or the General Counsel will prepare a memorandum to the incident file detailing the action(s) taken to resolve the complaint. The memorandum may contain a signed statement by the employee making the complaint. This employee statement will affirm that the action specified in the memorandum will satisfactorily resolve the complaint and that the employee acknowledges the responsibility to notify the TBAE of any recurrence of the conduct giving rise to the complaint.

Formal Resolution

If the issue is not resolved in a manner that satisfies the complainant, the complainant may request, (and/or the Human Resources Department or the General Counsel may initiate) formal procedures. In the formal resolution of a complaint, the Human Resources Department or the General Counsel may deem the following appropriate:

1. formal written statements from all parties and witnesses to the complaint
2. the opportunity for the Human Resources Department or the General Counsel to question any party or witness to the complaint
3. Human Resources or the General Counsel may gather any other information that may assist in the investigation and resolution of the matter.
4. a written report from the Human Resources Department or the General Counsel to the Executive Director which sets forth findings and conclusions
5. final decision by the Executive Director or her designated representative which includes any necessary corrective action, and

Retaliation Prohibited

An employee is not to be retaliated against for making a good faith complaint. The employee making a complaint is expected to comply with agency policies and performance standards. All employees are subject to disciplinary action for violation of agency policy or failure to perform up to acceptable standards.

The TBAE follows the legal doctrine of “employment-at-will”. The Employee Complaint Resolution policy neither modifies this doctrine nor constitutes a contract of employment.

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Recruitment and Workforce Diversity Plan

Effective Date: 01/26/2006
Revision Date: 12/01/2010
Revision Date: 09/01/2015
Revision Date: 10/01/2017

Civilian Workforce Composition

Each biennium, the Texas Workforce Commission is required to determine the composition of the statewide civilian workforce and report this information to the Office of the Governor and the Legislature. This report is due by the fifth day of each regular legislative session. The report includes percentages of Caucasian Americans, African Americans, Hispanic Americans, females, and males within the state workforce by job category.

Workforce Analysis

Each biennium, the TBAE must analyze its current workforce and compare the numbers employed in each demographic group and job category to those available in the statewide civilian workforce. The intent of the analysis is to determine the percentage of exclusion or underutilization by each job category within the TBAE.

In addition, the TBAE must report equal employment opportunity information to the Texas Workforce Commission no later than November 1 of each year. The report must be submitted in the form prescribed by the TWC. The TWC will conduct an analysis of the equal employment opportunity information and report the results of the analysis to the Legislature, the Legislative Budget Board, and the Office of the Governor no later than January 1 of each odd-numbered year.

The Texas Board of Architectural Examiners (TBAE) strives to provide equal employment opportunity without regard to race, religion, color, national origin, gender, sexual orientation, age, and veteran's status, or disability for all applicants and employees of the TBAE. The TBAE will promote this plan to employees and implement the Recruitment and Workforce Diversity Plan in all personnel actions (recruiting, hiring, promotions, etc.).

The Executive Director is responsible for establishing and monitoring the Recruitment and Workforce Diversity Plan. The Human Resources Department will ensure that all employees are informed of the TBAE Recruitment and Workforce Diversity Plan. This will be accomplished through written communications and presentations at appropriate staff meetings. The phrase "An Equal Opportunity Employer" will be used in all employment announcements and advertisements. The concepts of the plan will also be communicated to job applicants. New employees are expected to learn and follow the policies and procedures set forth by the TBAE as an agency as well as by their respective departments.

With the established goal of creating a workforce that accurately reflects the diversity of the State's workforce population, the TBAE shall compare workforce data from the Texas Workforce Commission-Civil Rights Division (TWC-CRD) for minorities and women with

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its own. If the TBAE minority and female percentages fall below the TWC-CRD figures, recruiting goals will be revised accordingly.

Agency policy for providing equal employment opportunity shall be implemented by the following recruitment procedures and guidelines:

1. notifying placement offices at universities and junior colleges of job openings;
2. maintaining relations with community organizations such as agencies and groups including Greater Austin Hispanic Chamber of Commerce, Austin African American Chamber of Commerce, Disabled American Veterans that could serve as referral sources for qualified minority, women, veterans and use of the Military Veterans' Full Employment Act, Section 2, Chapter 657, Government Code, Veteran's Employment Preferences;
3. using organizations and personal contacts of current staff to encourage ongoing referral of qualified minority, female, veterans and disabled applicants;

Before interviews are conducted, applicants will be screened in a manner to ensure a non-discriminatory selection process:

1. the application form shall require only information directly related to an applicant's education knowledge skills, abilities and experience;
2. questions not job-related will be not be allowed in the interview;
3. testing and screening procedures will be reviewed on a continuing basis to ensure their job relatedness and validity.

To further ensure nondiscriminatory practices, the following procedures will be followed within the agency:

1. personnel actions (evaluation, promotions, transfers, dismissals, etc.) will be made without regard to a person's race, religion, color, sex, age, national origin, veteran's status, disability or sexual orientation;
2. all employees will be encouraged to further their education or to attend job- related training so that they may have the opportunity to progress to a higher job classification;

The TBAE Human Resources Department will ensure that the Recruitment and Workforce Diversity Plan is being followed and goals are met by:

1. analyzing and evaluating, on a quarterly basis, the progress the agency has made toward the plan's implementation;
2. preparing a written status report for the Executive Director at least quarterly based upon the findings of the analysis.

Any complaints should be directed to the Executive Director. Employees acting in a manner contrary to this plan will be counseled and/or disciplined according to the disciplinary procedures.

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Recruitment Plans

Based on workforce availability analyses or court-ordered remedies or agreements, the TBAE developed and implemented plans to recruit qualified African Americans, Hispanic Americans, and females (“protected classes”). The Texas Workforce Commission monitors the TBAE to ensure that the required plans are consistent with state statute. In addition, the TBAE must report to TWC the number of protected class hires in each class title that the TBAE made during the preceding fiscal year. This report is due no later than November 1 of each year.

Designated Information Security Officer

The TBAE must designate an information security officer who:

1. Reports to the Information Technology Manager and/or Executive Director.
2. Has authority over information security for the entire agency.
3. Possesses the training and experience required to perform the duties required by the Department of Information Resources’ rules, and
4. To the extent feasible, has information security duties as the officer’s primary duties.

New Requirement

The 85th Legislature enacted legislation requiring state agencies to designate an information security officer.

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Job Postings

Effective Date: 12/01/2010
Revision Date: 09/01/2015
Revision Date: 10/01/2017

The TBAE is committed to its policy to promote from within the agency whenever possible and provide employee job advancement within the state classification system for its staff. An employee occupies a classification position in accordance with the provisions of the Position Classification Act of 1961, which is administered by the State Classification Office. The classification of a position depends upon the responsibilities and complexity of the work associated with the position. Each position, not the employee who occupies it, is classified. Generally, before an existing position can be reclassified, the employee must be doing the work of the higher position.

Job Posting

The TBAE posts positions internally and externally for a minimum of ten days. Due to the critical nature of some positions, job postings may be advertised for a minimum of five days. The TBAE may designate an open position as a veteran's position and only accept applications for that position from individuals who are entitled to a veteran's employment preference. The TBAE may hire or appoint for an open position within the agency an individual entitled to a veteran's employment preference without announcing or advertising the position if the agency:

1. uses the automated labor exchange system administered by the TWC to identify an individual who qualifies for a veteran's employment preference; and;
2. determines that the individual meets the qualifications required for the position.

The TBAE may elect to post certain positions internally for a minimum of three days to ensure employees may take full advantage of all career advancement opportunities that exist within the agency. Progression through the classification positions is not automatic or guaranteed but is based on the selection of the most qualified individual for the job requirements.

In addition to posting, the TBAE may use other recruiting sources to fill open jobs. In general, all regular, full-time job openings are posted, although the TBAE reserves its right to not post a particular opening.

To be eligible for consideration for a posted job, an employee must:

1. be employed with the TBAE for at least six months
2. have a current satisfactory or better performance evaluation on file

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3. have no disciplinary actions within the past six months of the closing date of the position
4. submit a completed State of Texas job application to the Human Resources department

Job selections are made without regard to race, color, disability, sex, religion, age, national origin, or other legally protected characteristic. Applications for employment are reviewed to determine if the applicant meets the job qualifications of education, training and experience. An employee of the TBAE seeking advancement by applying for a job in a higher classification must meet the same requirements as an applicant from outside the agency (i.e. skills, knowledge, education, training and experience).

During the application screening process, the employee's supervisor may be contacted for additional information regarding job performance, skills and attendance. Concerns regarding staffing limitations or other circumstances affecting a possible transfer may also be considered.

Organizational Charts

Upon employment and periodically thereafter, employees are notified when revised charts are posted on the agency's website. The TBAE's organizational chart shows the breakdown of employees by division. The organizational chart allows employees to remain aware of the advanced positions that exist throughout the agency. Any corrections to the organizational chart should be submitted to the Operations Manager.

Nepotism

Effective Date: 09/01/2002

Revision Date: 12/01/2010

Revision Date: 10/01/2017

The employment of relatives in the same area of an organization may cause serious conflicts and problems with favoritism and employee morale. In addition to claims of partiality in treatment at work, personal conflicts from outside the work environment can be carried over into day-to-day working relationships.

1. For purposes of this policy, "relative" shall include the following
2. parent (biological or adoptive);
3. spouse;
4. child (biological, adopted, foster, stepchild, or legal ward);
5. grandparents and grandchildren;
6. brothers and sisters;
7. aunts and uncles;
8. nieces, nephews, and first cousins;
9. any relative living in the same household with the employee; and
10. any person in one of the categories listed above as the result of marriage.

A relative of a current employee may not occupy a position that will directly report to or

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supervise the current employee. In addition, no person may be in a position to affect the work, assignment, or compensation of a relative or otherwise be within a "sphere of influence" regarding a relative. The TBAE reserves the right to take prompt action if an actual or potential conflict of interest involving relatives or individuals arises in dating relationships.

If employees become relatives, it is the responsibility and obligation of the employees to disclose the existence of the relationship to agency management. If a transfer is necessary, the individuals concerned may be given the opportunity to decide who is to be transferred to another position **if one is available**. If that decision is not made within 30 calendar days, management will decide who is to be transferred or, if necessary, terminated from employment.

In situations where there is a conflict or the potential for conflict because of the relationship between employees, even if there is no direct reporting relationship or authority involved, the agency may separate the employees by reassignment or termination of employment.

Falsification of Employment Applications

Effective Date: 09/01/2002
Revision Date: 12/01/2010

The TBAE relies on the accuracy of the information provided on the employment application, as well as the accuracy of other data presented during the hiring process and employment. Any misrepresentations, falsifications, or material omissions in any of this information, will result in exclusion of the applicant from further consideration or if hired, termination of employment.

Employment Reference Checks

Effective Date: 09/01/2002
Revision Date: 12/01/2010

The TBAE checks the employment references of job candidates. In addition to references, the TBAE may also verify education, licensure, and/or other requirements for the position. Offers of employment at the TBAE are contingent upon the successful completion of a background check indicating that the individual does meet the qualifications for the position.

The TBAE employees are not authorized to comment on other employees' (past or present) work history, job performance, eligibility for re-hire, etc. All requests for references and employment verification should be forwarded to the Human Resources Department. The TBAE will respond in writing to written or verbal requests for a reference check.

Criminal History Checks

Effective Date: 02/01/2005

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Revision Date: 12/01/2010
Revision Date: 10/01/2017

The TBAE may periodically obtain criminal history record information that relates to any employee, intern or volunteer; or to any employee, intern or volunteer with a contractor or subcontractor of the TBAE. The TBAE will make these policies and procedures available to contractors and subcontractors during the procurement process.

Obtaining Criminal Records

Except in the case of personnel with access to information resources or information resources technologies (as specified below), only public information on convictions will be requested and considered.

In addition to public records, the TBAE is legislatively authorized to obtain additional non-public criminal history record information maintained by the Department of Public Safety (DPS) that relates to a person who:

1. is an employee, applicant for employment, contractor, subcontractor, or intern or other volunteer with the TBAE or with a contractor or subcontractor for the TBAE, and;
2. has access to information resources or information resources technologies, other than a desktop computer or telephone station assigned to that person.

If the TBAE obtains criminal history record information, it may not release or disclose the information or any documents or other records derived from the information except:

1. By court order;
2. With the consent of the person who is subject to the information; or
3. To the affected contractor or subcontractor, unless the information was obtained by the Department from the Federal Bureau of Investigation.

Definitions

For the purposes of this policy, “Information resources” and “information resources technologies” have the meanings given to those terms by Government Code section 2054.003 upon the effective date of these policies and procedures, and as that section may later be amended.

Evaluating Criminal Histories

Evidence of a criminal conviction or other relevant information obtained from the criminal history record information shall not automatically disqualify an individual from employment with the TBAE. Consideration of such information shall be in conformity with applicable federal and state statutes.

Before making any negative employment decision based on an applicant’s or employee’s criminal record, the TBAE will determine, on a case-by-case basis, whether the individual

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is appropriate for employment with the TBAE based on factors that include, but are not limited to:

1. The specific duties of the position
2. The number of convictions or offenses
3. The nature and seriousness of the crime or offense
4. The length of time since the conviction or offense
5. Rehabilitation efforts by the individual
6. The accuracy of the information on the individual's application and criminal record
7. The relationship between the job to be performed and the criminal record
8. Subsequent employment history

If the TBAE receives the criminal history record information during any proceeding in which a conviction is not final, the TBAE reserves the right to make an employment decision or take a personnel action before the conviction is final, if failure to do so would be impracticable or detrimental to the TBAE. In determining whether a conviction is final for the purposes of these policies and procedures, the TBAE shall exercise its discretion in accordance with all relevant federal and state statutes.

Notification of Criminal History

If the TBAE uses the criminal history record information in order to make an employment decision or take a personnel action, the TBAE will notify the affected individual of the use of the information and provide an opportunity to correct any inaccuracies in the information. The TBAE, in its discretion, shall specify the time for correction when it notifies the affected individual of the utilization of such information. Such notice and period for correction does not alter the at-will status of the TBAE's employees.

Disclosure

Any information obtained pursuant to these policies and procedures and any documents or other records derived from that information will not be released or disclosed except:

1. by court order;
2. with the consent of the person who is the subject of the information; or
3. the affected contractor or subcontractor. If DPS obtained the information from the Federal Bureau of Investigations, the information may not be disclosed to an affected contractor or subcontractor.

This policy regarding disclosure shall be subject to the requirements of the Texas Public Information Act.

Destruction of Information

The TBAE and an affected contractor or subcontractor shall destroy information obtained pursuant to these policies and procedures after the information is used to make an employment decision or to take a personnel action relating to the person who is the subject of the information.

Veteran's Preference

Effective Date: 09/01/2002

Revision Date: 12/01/2010

Revision Date: 09/01/2015

Revision Date: 10/01/2017

In filling vacancies, preferences will be given to individuals entitled to the veteran's employment preference in full-time positions at the agency. The agency's goal is to establish hiring a number of veterans equal to at least 20 percent of the total number of the TBAE employees. An individual who qualifies for a veteran's employment preference is entitled to a preference in employment or appointment with the agency over other applicants for the same position who do not have a greater qualification.

The TBAE shall provide an individual who qualifies for a veteran's employment preference with or appointment to the agency over other applicants for the same position who do not have a greater qualification a veteran's preference in the following order:

1. a veteran, including a veteran with a disability;
2. a veteran's surviving spouse who has not remarried; and
3. an orphan of a veteran if the veteran was killed while on active duty
4. If the TBAE administers a competitive examination under a merit system for selecting or promoting employees, an individual entitled to a veteran's employment preference who otherwise is qualified for that position and who has received at least the minimum required score in the test is entitled to have a service credit of 10 points added to the test score. A veteran with a disability is entitled to have a service credit of five additional points added to the individual's test score.
5. An individual entitled to a veteran's employment preference is not disqualified from holding a position with the agency because of age or an established service-connected disability if the age or disability does not make the individual incompetent to perform the duties of the position.

Designation of Open Position for an Immediate Hiring of Individual Entitled to Veteran's Employment Preference

The TBAE will follow the designation for open positions for immediate hiring for individuals entitled to Veteran's Employment Preference:

1. Designate an open position as a veteran's position and only accept applications for that position from individuals who are entitled to a veteran's employment preference.
2. Notwithstanding any other law, may hire or appoint for an open position within the agency an individual entitled to veteran's employment preference without announcing or advertising the position if the agency;
 - a. Uses the automated labor exchange system administered by the Texas Workforce Commission to identify an individual who qualifies for a veteran's employment preference; and
 - b. Determines the individual meets the qualifications required for the position.

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The Operations Manager is the TBAE designated veteran's liaison. The designated veteran's liaison contact information is available on the TBAE website.

Veteran Interviews

For each TBAE announced open position, if the TBAE interviews:

1. A total number of individuals for the position is six or fewer, at least one individual interviewed is qualified for a veteran's employment preference;
2. A total number of individuals for the position is more than six, a number of individuals qualified for a veteran's employment preference should equal at least 20 percent of the total number interviewed.
3. If no applications from individuals who qualify for a veteran's employment preference are not received, no compliance is required.

State Employment Forms

All TBAE employment forms prescribed by the Texas Workforce Commission must include a statement regarding the veterans' employment preference until the agency's workforce is composed of at least 40 percent veterans.

Employment Investigation

The executive director who appoints or employs an applicant for a position with the agency who receives an application for appointment or employment by an individual entitled to a veteran's employment preference, shall investigate the qualifications of the applicant for the position before appointing or employing any individual.

An applicant who is a veteran with a disability shall furnish the official records to the Human Resources department.

Preference Applicable to Reduction in Workforce

An individual who is entitled to a hiring preference or appointment is also entitled to a preference in retaining employment if the agency reduces its workforce. This applies only to the extent that a reduction in workforce by the TBAE involves other employees of a similar type or classification.

Appealing Employment Decisions under Veterans' Preference

Under Tex. Gov't Code, Section 657.010, an individual entitled to a veteran's employment preference may appeal a hiring or appointment who is aggrieved by a decision made by the TBAE relating to hiring or appointing the individual, or relating to retaining the individual if the agency reduces its workforce, may appeal the decision by filing a written complaint with the executive director. The executive director will respond on behalf of the board no later than the 15th business day after the Executive Director receives the complaint. The Executive Director may render a different hiring or appointment decision than the decision that is the subject of the complaint if the executive director determines that the veteran's preference was not applied.

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Veterans' Preference Reporting Requirements

The TBAE shall file quarterly with the comptroller a report that states:

2. The percentage of the total number of employees hired or appointed by the agency during the reporting period who are entitled to a preference under Tex. Gov't Code, Sec 657.010.
3. The number of complaints filed with the executive director during that quarter and the number of those complaints resolved by the executive director.
4. The comptroller shall make each quarterly report filed available to the public on the comptroller's internet website.
5. No later than December 1 of each year, the comptroller shall file with the legislature a report that compiles and analyzes information that the comptroller receives from state agencies.

The TBAE to List Position with Texas Workforce Commission

1. The TBAE shall provide to the TWC, information regarding an open position that is subject to the hiring or appointment preference required.
2. The TWC shall make available to the public the information provided by the TBAE.

Employment Preference for Former Foster Children

Effective Date: 12/01/2010

When filling job vacancies, an individual may qualify for a former foster child employment preference, which gives the individual a preference in employment over other applicants for the same position who do not have greater qualifications, if the individual meets the following conditions:

1. The individual was under the permanent managing conservatorship of the Department of Family Services on the day preceding the individual's 18th birthday, and,
2. The individual is under the age of 25.

Appealing Employment Decisions under Former Foster Children Preference

An individual entitled to an employment preference may appeal a hiring decision made by the TBAE by filing a written complaint to the TBAE Board. The TBAE Board Chairman will respond on behalf of the board no later than the 15th business day after receipt of the complaint. An individual entitled to the former foster child employment preference who is aggrieved by a state agency's hiring decision or a workforce reduction that affects the individual may appeal the agency's decision by filing a written complaint with the agency's governing board. The governing board is required to respond to a written complaint no later than 15 business days after the date that the governing body received the complaint. The governing board may render a different hiring decision if the governing board determines that the former foster child employment preference was not properly applied.

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Compliance with Selective Service Law

Effective Date: 09/01/2002

Revision Date: 02/01/2010

An agency in any branch of state government may not hire a person as an employee unless the person presents proof that they have registered for or are exempt from registration with the selective service system. Individuals who are exempt from registration include:

1. Females.
2. Lawfully admitted nonimmigrant aliens on visas.
3. Members of the armed forces on full-time active duty, including cadets and midshipmen at military academies.
4. Students in Officer Procurement Programs at the Citadel, North Georgia College and State University, Norwick University, Virginia Military Institute, Texas A&M University, and Virginia Polytechnic Institute and State University.
5. Males that are continually confined to a residence, hospital, or institution or who are hospitalized or institutionalized for a medical reason as well as those who are incarcerated.

The Texas Office of the Attorney General issued an opinion that requires only those males who are between the ages of 18 and 25 years (inclusive) to furnish proof of either selective service registration or exemption from selective service as a condition of state employment.

For additional information, go to the Selective Service System's Web site at <http://www.sss.gov>.

Verification of Employment Eligibility

Effective Date: 09/01/2002

Revision Date: 12//012010

Revision Date: 09/01/2015

Revision Date: 10/01/2017

An individual who is not a citizen of this country is protected from discrimination in hiring and in employment under the provisions of federal law and the Texas Labor Code. It is unlawful to discriminate on the basis of citizenship. Federal law also prohibits an employer from knowingly hiring an individual who is not authorized to work in this country. To ensure compliance, the TBAE is required to complete federal Form I-9 upon hiring an employee. This form must be completed within three business days of the hire. The TBAE will register and participate in the E-verify program to verify information of all new employees.

Additional information regarding the employment eligibility verification process is available on the U.S. Citizenship and Immigration Services' Web site at <http://www.usis.gov>

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Employment Categories under the Fair Labor Standards Act

Effective Date: 09/01/2002
Revision Date: 12/01/2010
Revision Date: 10/01/2017

The Fair Labor Standards Act (FLSA) establishes minimum wage, overtime pay, recordkeeping, and youth employment standards affecting full-time and part-time workers in the private sector and in federal, state, and local governments. The U.S. Department of Labor's Wage and Hour Division is responsible for providing guidance on and enforcing the FLSA. Additional information about the FLSA is available at <http://www.dol.gov/whd/flsa/indec.htm>.

The minimum wage in Texas is linked to the federal minimum wage under the Fair Labor Standards Act of 1938. As of July 24, 2009, the federal minimum wage is \$7.25 per hour.

It is the intent of the TBAE to clarify the definitions of employment classifications so that employees understand their employment status and benefit eligibility. These classifications do not guarantee employment for any specified period. Accordingly, the right to terminate the employment relationship "at will" at any time is retained by both the employee and the TBAE.

Each employee is designated as either NONEXEMPT or EXEMPT from federal and state wage and hour laws. NONEXEMPT employees are entitled to overtime pay under the specific provisions of federal and state laws. EXEMPT employees are excluded from specific provisions of federal and state wage and hour laws. An employee's EXEMPT or NONEXEMPT classification may be changed only upon written notification by the TBAE management.

In addition to the above categories, each employee or other staff person will belong to one other employment category:

REGULAR FULL-TIME employees are those who are not in a temporary status and who are regularly scheduled to work TBAE's full-time schedule. Generally, they are eligible for full employment benefits as provided by the State of Texas.

REGULAR PART-TIME employees are those who are not assigned to a temporary status and who are regularly scheduled to work less than the full-time work schedule but at least 20 hours per week. Regular part-time employees are eligible for partial employment benefits as provided by the State of Texas.

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Timekeeping

Effective Date: 09/01/2002

Revision Date: 12/01/2010

Accurately recording time worked is the responsibility of every TBAE employee.



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TIMESHEET.xlsx

Federal and state laws require TBAE to keep an accurate record of time worked in order to calculate employee pay and benefits. Time worked is all the time actually spent on the job performing assigned duties (Policy EA-008, Time and Attendance Reporting.)

NONEXEMPT employees must accurately record the beginning and end of time of their work. Employees should record the beginning and ending time of any split shift or departure from work for personal reasons. Leave and overtime must be approved in advance by the supervisor.

Nonexempt employees should not start working before their scheduled starting time or after their ending time unless they have received supervisory approval.

EXEMPT employee do not need to record start and stop times, but must accurately record the total amount of time worked and the details of any vacation, sick leave, comp time, or other time used or earned.

The TBAE considers attempts to falsify timekeeping records a very serious matter. Therefore, any of the following actions may result in disciplinary action, up to and including termination: altering, falsifying, tampering with time records, or recording another employee's time record.

Time records are due to the supervisor by the third working day of the month. Each employee is responsible for signing the time records to certify their accuracy. The supervisor then reviews and approves the time records before submitting to the agency timekeeper. It is the supervisor's responsibility to monitor leave balances to avoid a leave-without-pay status and to ensure accurate use of leave types. If corrections or revisions are made to the time record, employees will be asked to initial the changes on the time record as being accurate. For timekeeping purposes, all leave is to be rounded off to fifteen-minute increments.

"Overtime" and "FLSA Overtime"

Effective Date: 09/01/2002

Revision Date: 12/01/2010

In accordance with the Fair Labor Standards Act (FLSA), the TBAE will compensate nonexempt employees for any hours worked over 40 in a workweek at a rate of time and

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a half, or 1.5 times an employee's hourly pay up to 240 hours. FLSA-exempt employees are not eligible to receive FLSA overtime compensation.

Non-exempt employees must have prior approval from their supervisor before working overtime. If an employee works overtime without receiving prior approval from the supervisor, the employee may be subject to disciplinary action, up to and including possible termination of employment.

Overtime pay is based on actual hours worked. Time off for sick leave, vacation, and other paid or unpaid leaves of absence is not considered hours worked for the purpose of calculating overtime hours.

State Compensatory Time

Effective Date: 12/01/2010
Revision Date: 10/01/2017

The TBAE employees may, in some situations, be eligible for state compensatory time. State compensatory time is accrued on a “straight” time basis, or one hour for one hour worked.

State Compensatory Time for Nonexempt Employees Subject to FLSA

When a nonexempt employee takes leave or when a holiday occurs, the nonexempt employee is eligible for state compensatory time if the total number of hours worked (if less than 40 hours) plus any paid leave or paid holidays exceeds 40 hours in one workweek. If this occurs, the nonexempt employee must be allowed state compensatory time off for this additional time on an hour-for-hour basis. The state compensatory time off must be used within 12 months of the end of the workweek in which it was earned or it lapses. This is different from FLSA overtime in which the nonexempt employee earns FLSA overtime by physically working more than 40 hours in a workweek. See Chapter 4 (Federal Requirements: Fair Labor Standards Act and the Family and Medical Leave Act) for additional information regarding FLSA overtime provisions.

Generally, TBAE employees will not be paid for any unused state compensatory time and no provisions in statutes or the General Appropriations Act that allow for the conversion of this time to any other type of leave. However, the payment for state compensatory time can be authorized in some situations. Those situations are identified and summarized below.

State Compensatory Time for Employees Exempt from FLSA Overtime Provisions

At the discretion of the Executive Director, an employee who is exempt from the overtime provisions of the FLSA may be allowed to accrue state compensatory time for work hours that exceed 40 hours in a workweek. Accrued state compensatory time, consist of paid leave, holidays, and actual hours worked. Part-time, FLSA-exempt employees may

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accrue state compensatory time when the number of actual work hours exceeds the number of hours that the employee was designated to work. If an exempt employee does not use state compensatory time within 12 months of when it was earned, the employee loses this time.

Employees must have prior approval from their supervisor before working state compensatory time. An employee may be credited up to 240 hours (pro-rated for part-time employees) of compensatory time. An employee separating from state employment or transferring from the TBAE to another state agency will not be paid for unused, accrued compensatory time, nor will the state compensatory time transfer to another state agency.

Payment of State Compensatory Time in Certain Situations

In certain situations, with the authorization of the Executive Director, an employee may be paid for state compensatory time that the employee earned for work directly related to a disaster or an emergency declared by the appropriate officer of the state.

Use of Compensatory Time before Lapsing

If an employee submits a written request to use accrued compensatory time not later than the 90th day before the date on which the accrued compensatory time will lapse, the manager must approve in writing the employee's request or provide the employee with an alternative date on which the employee may use the compensatory time.

The TBAE will reasonably accommodate the employee's use of the accrued compensatory time before it lapses.

There are no statutory provisions that allow for the conversion of state compensatory time or holiday compensatory time to any other type of leave. Subject to the exceptions noted above, if an employee does not use the accrued time within 12 months of earning it, the employee loses this time.

Notification of Compensatory Time Policy

The TBAE notifies all employees annually of the State's policy on compensatory time and will accommodate to the extent practicable an employee's request to use accrued compensatory time.

For an employee who has been activated to military service as a member of the reserve component of the armed forces, the TBAE will:

1. Provide a statement containing the balance of the employee's accrued state compensatory time, and
2. Accommodate the employee's request to use the balance of his or her accrued state compensatory time before the compensatory time expires.

The Executive Director or an employee who acts as the administrative head of the TBAE is not prohibited from accruing compensatory time.

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Compensatory Time and Assigned Place of Employment

Except under circumstances specified in the General Appropriations Act, employees of the TBAE may not accumulate compensatory time for hours worked during any calendar week at a location other than the employee's regular or temporarily assigned place of employment. However, for compensatory time purposes, an employee may accumulate compensatory time for hours worked during any calendar week at the employee's personal residence if the employee obtains advance approval from the Executive Director.

Position Classification

Effective Date: 09/01/2002
Revision Date: 12/01/2010
Revision Date: 09/01/2015
Revision Date: 10/01/2017

The State Classification Team prepares general job descriptions for state agencies to use. The TBAE uses the state job descriptions as guidelines and develop functional job descriptions that are more specific to work of the agency and its employees.

The Plan provides that whenever "General Qualification Guidelines" are specified for each job, they are only meant to represent the qualifications commonly wanted by employing officers of the State and to now have the force of law. This includes specifications for experience, training, education, knowledge, skills, abilities, and physical conditions.

The TBAE makes every effort to maintain accurate job descriptions for all positions within the agency. Each description includes sections for job information; a job summary (giving a general overview of the job's purpose); essential duties and responsibilities; supervisory responsibilities; qualifications (including education and/or experience, language skills, mathematical skills, reasoning ability, and any certification required); physical demands; and work environment.

Job descriptions are used to help employees understand their job duties and to set standards for employee performance evaluations. Job descriptions are also used to identify the requirements of each position, establish hiring criteria, and establish a basis for making reasonable accommodations for individuals with disabilities.

The job description is also the basis for assigning a wage for a position according to the Position Classification Plan. (See the Salary Administration policy.)

The Executive Director shall authorize the hiring manager and Human Resources to prepare job descriptions when new positions are created. The Executive Director will approve the final job description. Existing job descriptions may be reviewed and revised in order to ensure that they are up to date. Job descriptions may also be rewritten periodically to reflect any changes in the positions' duties and responsibilities. All employees are expected to help ensure that the job description accurately reflects the work actually performed.

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Position Classification Plan Overview

The Position Classification Plan (Plan), established by the Position Classification Act, requires the TBAE to comply with the salary schedules and compensation provisions of Article IX of the General Appropriations Act.

The Plan is administered by the State Classification Team located in the State Auditor's Office.

Responsibilities of the State Classification Team include:

1. Maintaining the Plan and ensuring that it is current.
2. Advising and assisting state agencies to ensure equitable and uniform application of the Plan.
3. Conducting position classification compliance audits to ensure conformity with the Plan.
4. Making recommendations to the Governor and the Legislature as necessary and appropriate regarding the operation and improvement of the Plan.

The Plan establishes job classification titles for full-time, part-time, hourly, and temporary employees. The job classifications within the Plan are defined as classified positions. Each job classification title is assigned to a salary group within a classification salary schedule. The classification salary schedules and job classification titles are contained in the most recent edition of the General Appropriations Act.

The Plan, the General Appropriations Act, and the Texas Government Code provide guidelines for all classified positions.

Agencies Use of the Position Classification Plan

The TBAE will use an occupationally specific job classification title contained in the Plan that is appropriate to a position and not agency specific.

The TBAE will determine the appropriate rate of pay within the appropriate salary range for employees at the time of initial employment with the agency, which includes rehires and employees who transfer from another state agency. The TBAE ensures that all positions are classified properly on an annual basis and may perform a monthly review of job assignments.

Information and guidance on reviewing jobs and conducting job analyses is available in the *Job Classification Review Guide* on the State Auditor's Office's State Classification Team Web site at <http://www.hr.sao.texas.gov/Resources/Guides/>

Military Crosswalk

To increase employment opportunities for veterans of the U.S. Armed Forces, the 84th Legislature enacted Senate Bill 389, which amended Chapters 654 and 656 of the Texas Government Code. In accordance with Texas Government Code, Section 656.002, state agencies are required to include applicable Military Occupational Specialty (MOS) codes

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from each branch of the U.S. Armed Forces on all forms and notices related to employment openings.

Applicability of the Military Crosswalk: Each fiscal biennium the State Auditor's Office must research and identify the military occupational specialty codes for each branch of the U.S. Armed Forces that corresponds to each position contained in the State's Position Classification Plan.

Sources/Supporting Documents: Occupational Conversion Index, Enlisted/Officer/Civilian, Department of Defense 1312.1-I, March 2001, U.S. Department of Defense, and O*Net Online Military Crosswalk Search, <http://www.onetonline.org/crosswalk/MOC/>

The military crosswalk is intended to serve as a general guideline for state agency use.

For more information on military occupational specialty codes, see the Military Crosswalk Guide.

The TBAE will include on all forms and notices related to an employment opening with the military occupational specialty code for each branch of the U. S. Armed Forces that corresponds to the employment opening if the duties of the available position correlate with a military specialty.

Report on Transition from Military Service to Employment

New Requirement

The 85th Legislature enacted legislation requiring the Texas Workforce Commission to prepare an annual report regarding the transition of service members and veterans from military service to employment.

No later than September 1 of each year, the Texas Workforce Commission (Commission), in consultation with the Texas Coordinating Council for Veterans Services, must submit a report on the transition of service members and veterans from military service to employment to the Office of the Governor, the Office of the Lieutenant Governor, the Speaker of the House of Representatives, and the chairs of the legislative committees with appropriate jurisdiction.

Classification Salary Schedules

The Plan has three salary schedules: Schedules A, B, and C. Schedule A includes paraprofessional, administrative support, maintenance, service, and technical positions. Schedule B includes primarily professional and managerial positions.

The State has a limited number of positions that are exempt from the Plan. The Executive Director remain exempt from the Plan and the position is assigned to Salary Group 3, with

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a scheduled exempt position salary range from \$92,600 (minimum salary) to \$149,240 (maximum salary) annually for Fiscal Years 2018-2019.

The Fiscal Year 2018-2019 Classification Salary Schedules A and B can be found on the State Auditor's Office's State Classification Team Web site at <http://www.hr.sao.texas.gov/CompensationSystem/SalarySchedules>

Salary Administration

Effective Date: 09/01/2002
Revision Date: 12/01/2010
Revision Date: 09/01/2015
Revision Date: 10/01/2017

It is the policy of the TBAE to follow consistent pay practices that comply with federal and state laws and Equal Employment Opportunity policy. The TBAE is committed to employees' equitable wages that reflect the requirements and responsibilities of their positions. All recommendations for posting positions, promotions, demotions, title changes, or reclassifications will be reviewed by Human Resources for compliance with the state Position Classification Plan and Equal Employment Opportunity standards.

For salary administration purposes, there are two types of positions:

1. Classified positions paid in accordance with the Classification Salary Schedules.
2. Positions that are exempted from the Position Classification Plan by authority of the Legislature or the Governor. Salaries for these positions must be set in accordance with the General Appropriations Act.

Part-time and Hourly Employees

Regular, full-time positions may be filled by part-time and hourly employees. The salary rates for part-time and hourly employees are to be proportionate to those of full-time employees. Part-time employees must be appropriately classified with titles from the Position Classification Plan or appropriate exempt titles. For group benefits purposes, a full-time employee is an employee who works 30 or more hours per week.

Salary at the Time of Hire

The TBAE has the authority to determine, at the time of initial employment, the salary rate within the applicable salary group for all classified positions. Initial employment includes rehires and interagency transfers.

Salary Limitations

TBAE employees must be paid at a salary rate that falls within the salary range of the applicable salary group. Therefore, a promotion, reclassification, or other salary adjust may not result in an employee receiving a salary in excess of the maximum rate authorized for his or her salary group. Additionally, TBAE employees may not be paid less than the minimum rate of the salary range of his or her applicable salary group.

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Demotions

A demotion is a change from one classification title to another classification title in a salary group with a lower minimum salary rate. The salary of a demoted employee in Classification Salary Schedule A will be reduced at least \$30 a month from the base salary for full-time employees. The salary of a demoted employee in Classification Schedule B will be reduced by at least 3.4 percent.

The TBAE will not reduce a demoted employee's salary if:

1. The demotion was accepted in lieu of a layoff that resulted from a reduction in force. An employee demoted under these circumstances may not receive a salary rate that exceeds the employee's salary rate before the demotion.
2. The employee was selected for another position in a lower salary group because of applying for the position. An employee under these circumstances may not receive a salary rate that exceeds the maximum rate of the lower salary group.

Equity Adjustments

The TBAE can increase the salary of a classified employee to any rate within the employee's salary group as necessary to maintain desirable salary relationships between and among employees of the agency or between employees of the agency and employees who hold similar positions in relevant labor markets.

A classified employee may receive an equity adjustment if the employee has worked in his or her current position for at least six months while maintaining a satisfactory level of job performance. An employee may not receive more than one equity adjustment during a fiscal year. The TBAE must consider the education, skills, related work experience, length of service, and job performance of agency employees and similar employees in the relevant labor market. The procedures under which the TBAE will review and analyze the salary relationships between agency employees who receive salaries under the same job classification and perform the same type and level of work to determine if inequities exist are outlined in agency policy HR-007, Position Classification.

Lateral Transfers

A lateral transfer is a change-in-duty assignment of a TBAE employee that the agency moves to another job classification title in the same salary group. An example might be an Accountant V (Salary Group B21) who moves to Accounts Examiner V (Salary Group B21). When a lateral transfer occurs, the salary can be increased, it can remain the same, or it can decrease within the salary group. If an increase is provided, it can be no more than 3.4 percent higher than the employee's salary prior to the transfer. If the salary decreases, it may not decrease below the minimum of the salary group. An increase in salary is not authorized for employees moving to a difference position in the same job classification at the same agency. An example might be an Accountant IV in the Finance Division who moves to an Accountant IV in the Human Resources Division.

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Reallocations

“Higher salary group” means a salary group with a higher minimum salary rate, and “lower salary group” means a salary group with a lower minimum salary rate.

Reallocations refer to the process by which the General Appropriations Act assigns specific classified positions to a salary group that differs from the previously designated salary group.

A classified TBAE employee whose position is reallocated to a higher salary group will receive the minimum rate in a higher salary group or the salary he or she would have received without the reallocation, whichever is higher. Salaries of employees may not be increased more than 6.8 percent to maintain desirable salary relationships among employees in the affected positions.

Reclassifications

Reclassification is defined as a change in the classification of a position to another classification title resulting in a classification review or agency reorganization. The purpose of a reclassification is to properly classify a position based on the actual duties currently performed by an employee. It does not refer to a change in an employee’s duty assignment. A position may be reclassified at any time to correct a discrepancy. Annually, all agencies covered by the Position Classification Act are required to review individual job assignments to ensure that each employee is classified properly. In addition, an agency may perform a monthly review of job assignments.

A classified employee whose position is reclassified to a higher salary group will receive the minimum rate in the higher salary group or the salary he or she have received without the reclassification, whoever is higher. Salaries of employees may not be increased more than 6.8 percent to maintain desirable salary relationships among employees in the affected positions.

TBAE employees whose positions are reclassified to a lower salary group will receive the salaries they would have received had their positions not been reclassified. However, the employees’ salaries must not exceed the maximum rates for the lower salary groups. Consequently, if the employee’s salary prior to the reclassification is higher than the maximum salary of the lower salary group, the employee will receive the maximum salary of his or her salary group.

Salary Reduction for Disciplinary Reasons

The Executive Director may reduce a classified employee’s pay for disciplinary reasons if warranted by the employee’s performance. The reduced salary cannot be lower than the minimum rate of the employee’s current salary group. Pay may be restored to any rate within the same salary group, up to and including the employee’s prior rate, as performance improves without accounting for the increase as a merit increase.

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Promotions

A promotion is a change in classification title that provides a higher minimum salary rate, requires higher qualifications, and involves a higher level of responsibility.

A TBAE employee who is promoted to a position in Classification Salary Schedule A will receive at least a \$30 per month increase to the base salary for a full-time employee or the minimum salary rate of the new salary group, whichever is higher. A TBAE employee who is promoted to a position in Classification Salary Schedule B will receive at least a 3.4 percent increase or the minimum salary rate of the new salary group, whichever is higher. In addition, the Executive Director may grant a promoted employee a salary amount up to and including the maximum rate of the new salary group.

The following constitute the minimum qualifications for promotion consideration:

1. The employee has not had a written warning in the last six months or a formal reprimand in the last six months.
2. The employee has not received an "unsatisfactory" performance note on a performance evaluation in the last 12 months.
3. The employee must have demonstrated competencies and performance that appropriately support the higher level responsibilities.
4. The employee's manager has recommended a promotion.

Temporary Assignments

To facilitate the work of state agencies during emergencies or special circumstances, an employee may be temporarily assigned to other duties for a period not to exceed six months. During that time, the employee will receive at least the same amount of pay he or she received prior to the reassignment. An employee may not be temporarily assigned to a position with a lower minimum salary rate. Temporary assignments will not exceed six months in a 12-month period. An employee temporarily designated to act as the administrative head of a state agency may continue to receive a salary for a classified position in an amount not to exceed the amount established by the General Appropriations Act for the administrative head of the agency. During the temporary assignment, an agency cannot award a merit increase to or promote or demote the employee.

Section IV – Payroll and Personnel Reporting

Effective Date: 09/01/2002
Revision Date: 12/01/2010
Revision Date: 10/01/2017

Payroll Overview

For payroll and personnel reporting purposes, “state agency” means:

A board, commission, department, institution, office, or other agency in the executive branch of state government that is created by the constitution or a statute of this state.

The comptroller of Public Accounts (Comptroller), in consultation with the State Auditor, must adopt rules that prescribed uniform procedures for payroll and personnel reporting for all state agencies and that are designed to:

1. Facilitate the auditing of payrolls.
2. Facilitate the classification compliance audit for agencies covered by the State’s Position Classification Plan.
3. Assure conformity with state statute and the General Appropriations Act.
4. Provide the Legislative Audit Committee with current information on employment and wage rate practices in state government.

Payday

The Comptroller may not pay the salary of a state office or employee before the first working day of the month following the payroll period unless the employee is paid twice a month. For employees paid twice a month, the first payment is made on the first working day of the month following the payroll period that covers the last half of the preceding month; and the second payment is made on the 15th day of the month or the first working day after the 15th for the payroll period that covers the first half of the month.

“Working day” for payroll purposes means a day other than Saturday, Sunday, or a national holiday as listed in the General Appropriations Act or state statute. A day does not cease to be a national holiday because a state agency maintains or is required to maintain a minimum working staff on the holiday.

Method an Frequency of Pay

Except as provided by state statute or the General Appropriations Act, annual salaries for state officers and employees must be paid once a month.

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Determining Amounts for Part-time Pay

The amount of monthly salary for an employee who maintains a 40-hour work week and works for a state agency is determined by the General Appropriations Act and rules adopted by the Comptroller.

For purposes of partial payment or other applicable situations, an employee's hourly rate of pay for a given month is computed based on the salary schedules located within the General Appropriations Act and rules adopted by the Comptroller.

When an employee is on leave without pay, compensation for the pay period will be reduced by an amount computed in accordance with the General Appropriations Act and rules adopted by the Comptroller.

Federal Insurance Contributions Act (FICA)

The State must withhold money for salaries and wages paid to state officers and employees in accordance with applicable federal law, including federal law relating to withholding for purposes of the federal income tax. The State must make any required employer contributions in accordance with applicable federal law. The Comptroller must make payments in accordance with applicable state and federal law.

The Federal Insurance Contributions Act (FICA) is also known as the U.S. Social Security tax. It is composed of Old Age, Survivors, and Disability Insurance benefits (OASDI) and Medicare.

For 2017, the OASDI tax rate for wages paid is 6.2 percent for employees and 6.2 percent for employers. The maximum wage contribution for 2017 is \$127,200. The Medicare tax rate is 1.45 percent for employees and employers and currently has no income limit. All employees are subject to both types of FICA taxes.

Pay Advances

The TBAE does not provide pay advances on unearned wages under any circumstances.

Payroll Deductions

The TBAE may not make a deduction from the compensation paid to an officer or employee whose compensation is paid in full or in part from state funds unless the deduction is authorized by law.

To the extent that the laws, regulations, and rules of Texas or the United States do not specify the priority of deductions, the Comptroller by rule may determine the priority for compensation paid by a state governmental body.

Defined Retirement Benefit Plan

All state employees are covered under a defined benefit plan through the Employees Retirement System (ERS). This plan provides a lifetime level of retirement income based

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on a formula authorized by the Texas Legislature. The types of benefits payable by the retirement system are:

1. Service retirement benefits.
2. Disability retirement benefits (occupational or non-occupational disability).
3. Death benefits.

The TBAE employees are members of the employee class of the retirement system. Membership begins on the first day a person is employed or holds office. An employee who is reemployed or who again holds office after withdrawing contributions for previous service credited in the employee class begins membership in the employee class on the first day the person is reemployed or again holds office.

The TBAE is responsible for deducting the amount of this contribution from the employee's pay for each payroll period 9.5 percent of the compensation if the member is not a member of the legislature, for service rendered after August 31, 2015, and before September 1, 2017. The deduction process requires no employee consent since the employee consents to the automatic deduction when he or she becomes a member of the retirement system program.

An employee leaving state employment before becoming eligible for retirement may obtain a refund of contributions and accrued interest by completing a request for refund. For details, see the Refund of Retirement Contributions policy.

Further information regarding retirement may be found in the Benefits and Leave section of this handbook.

Voluntary Benefits and Charitable Donations

The TBAE offers programs and benefits to eligible employees beyond those required by law. An employee may voluntarily authorize monthly deductions to cover the employee portion of the cost of these programs.

An employee may authorize other voluntary deductions from his or her payroll, such as: contributions to charity, deposits to credit unions, membership fees for eligible state employee organizations, or to purchase U.S. savings bonds. An administrative fee may be withheld to cover costs of processing certain voluntary deductions.

Wage Garnishments

The TBAE may make "wage garnishment" from an employee's paycheck. Wage garnishments are pay deductions taken by the TBAE, usually to settle a debt or obligation to the agency or to others. An employee's wages may be garnished for a variety of reasons, including: payment of debts, spousal maintenance, non-repayment of student loans, nonpayment of child support, and payment of income taxes. An administrative fee of up to \$5.00 per month may be added to any amount withheld for spousal maintenance. Any questions regarding a deduction from pay should be directed to the Payroll Office.

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Administrative Pay Corrections

Effective Date: 09/01/2002
Revision Date: 12/01/2010

The TBAE takes all reasonable steps to ensure that employees pay warrants are correct and paid on the scheduled pay date. If an error is noted in the employee's pay warrant, the employee should immediately notify Payroll. Steps will be taken to correct the discrepancy as quickly as possible. If an employee owes the State money, a state agency may deduct this amount from the employee's compensation provided it notifies the employee and provides ample opportunity for the employee to respond.

Longevity Pay

Effective Date: 09/01/2002
Revision Date: 09/01/2015

Longevity pay is provided to **full-time** employees who:

1. are not on leave without pay the first workday of the month;
2. have at least two years of lifetime service credit; and
3. have not previously retired from the state on or after June 1, 2005.

As shown in the Longevity Pay table below, eligible employees receive \$20 per month for every two years of lifetime service credit up to and including 42 years of service. The monthly payment rate is determined by the years of creditable service on the first day of each month.

Longevity Pay for Return-to-work Retirees

A TBAE employee who retired from state employment before June 1, 2005, and who returned to state employment before September 1, 2005, is entitled to receive longevity pay. The monthly amount of longevity pay the employee is entitled to receive equals the amount of longevity pay that the employee was entitled to receive immediately before September 1, 2005. An employee who retired from state employment before June 1, 2005, and who returned to state employment on or after September 1, 2005, is not entitled to receive longevity pay.

Longevity Pay when Employee's Status Changes

If a TBAE employee changes from a full-time state employee after the first workday of a month to another status (e.g. a part-time employee), but otherwise qualifies for longevity pay, the employee's compensation for the month includes full longevity pay.

Time spent working in a hazardous duty position is not included if the employee was entitled to receive hazardous duty pay during this period.

Accrual of Lifetime Service Credit

For the purpose of longevity pay, an employee accrues lifetime service credit for the period in which the employee:

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1. Serves as a full-time, part-time, or temporary state employee or otherwise serves as an employee of the state;
2. Serves as a member of the Legislature;
3. Holds a statewide office that is normally filled by a vote of the people; or
4. Serves as an academic employee of a state institution of higher education.

An employee who is on leave without pay for an entire calendar month does not accrue lifetime service credit for the month. An employee who is on leave without pay for less than an entire calendar month accrues lifetime service credit for the month if the employee otherwise qualifies to accrue credit.

LONGEVITY PAY	
Years of Service	Monthly Longevity Pay
Less than 2 years	\$0
Greater than 2 and less than 4 years	\$20
Greater than 4 and less than 6 years	\$40
Greater than 6 and less than 8 years	\$60
Greater than 8 and less than 10 years	\$80
Greater than 10 and less than 12 years	\$100
Greater than 12 and less than 14 years	\$120
Greater than 14 and less than 16 years	\$140
Greater than 16 and less than 18 years	\$160
Greater than 18 and less than 20 years	\$180
Greater than 20 and less than 22 years	\$200
Greater than 22 and less than 24 years	\$220
Greater than 24 and less than 26 years	\$240
Greater than 26 and less than 28 years	\$260
Greater than 28 and less than 30 years	\$280
Greater than 30 and less than 32 years	\$300
Greater than 32 and less than 34 years	\$320
Greater than 34 and less than 36 years	\$340
Greater than 36 and less than 38 years	\$360
Greater than 38 and less than 40 years	\$380
Greater than 40 and less than 42 years	\$400
Greater than 42 years	\$420

Figure 1 - Longevity Pay Scale

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Benefit Replacement Pay

Effective Date: 09/01/2002
Revision Date: 12/01/2010
Revision Date: 10/01/2017

Prior to January 1, 1996, the State paid federal taxes for eligible state employees under the Federal Insurance Contributions Act (FICA). This payment was commonly known as state-paid social security or benefit replacement pay. Beginning with wages paid January 1, 1996, state-paid social security ceased. The Legislature chose to offset the effects of the repeal of the state's payment of the taxes imposed on state employees under the FICA.

Eligibility

To be eligible, an employee must have been employed by the State on August 31, 1995, and must have been:

1. Eligible for the state-paid Social Security contribution under Section 606.064 of the Texas Government Code.
2. Using unpaid leave from a position with a state agency, if the employee would have been otherwise eligible; or
3. Not working because his or her employment customarily did not include summer months; he or she had contracted to resume employment before September 2, 1995; and such employment would have made the employee eligible for the state-paid tax if the employee had held that position at that time.

Benefit replacement pay is equal to 5.85 percent of the first \$16,500 of FICA wages earned during the pay period and the additional retirement contribution that would have been paid by the employee because of receiving benefit replacement pay. The total paid out (not including the retirement contribution) may not exceed \$965.25 each calendar year for a state agency employee. The benefit replacement pay for employees at institutions of higher education participating in the Teacher Retirement System may not exceed \$1,031.25.

Leveling

Regular state agencies have the option of providing benefit replacement pay in equal installments during the calendar year known as "leveling." This option exists if the employee's wages are anticipated to be at least \$16,500 during the year in which the leveling would occur. If an employee chooses to receive benefit replacement pay in equal installments and then terminates his or her employment before year end, the employee will not be paid the difference between the benefit replacement pay received and the amount the employee would have received had the installment plan not been chosen.

Loss of Benefit Replacement Pay

An eligible employee who leaves state employment for 30 or more consecutive days after August 31, 1995, becomes ineligible to receive benefit replacement pay upon re-employment with the State. An eligible state employee who retired from state

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employment on or after June 1, 2005, and who receives an annuity based wholly or partly on services as a state officer or state employee in a public retirement system, is ineligible to receive benefit replacement pay upon re-employment with the State.

Full-Time Equivalent Employees Reporting

Following each fiscal quarter, the TBAE must file with the State Auditor's Office a report for that fiscal quarter that provides:

1. The number of full-time equivalent employees paid from funds in the state treasury and the number of full-time equivalent employees paid from funds outside the state treasury.
2. The increase or decrease, if any, in the number of full-time equivalent employees from the fiscal quarter preceding the quarter covered by the report.
3. The number of positions paid from funds in the state treasury and the number of positions paid from funds outside the state treasury.
4. The number of individuals who performed services for the agency under contracts, including consultants and individuals employed under contracts for temporary help services.
5. The number of managers, supervisors, and staff.

The report must be made in a format requested by the State Auditor's Office and include the following:

1. An organizational chart detailing the total number of full-time equivalent employees, without regard to the source of funds used to pay all or part of the salary of an employee, and the total number of managers, supervisors, and staff for each functional area in the TBAE.
2. The management-to-staff ratio for each functional area.

The State Auditor's Office publishes an annual Full-Time Equivalent Employees report for the Legislative Budget Board, the Office of the Governor, and the Comptroller of Public Accounts summarizing the results of the information provided by agencies.

The State Auditor's Office provides additional data analysis and reports from its Full-Time Equivalent (FTE) State Employee System through its State Classification Team Web site at <http://www.hr.sao.texas.gov/Tools/>

Section V - Training and Professional Development

Effective Date: 12/01/2010
Revision Date: 09/01/2015
Revision Date: 10/01/2017

Training and Education Programs

The TBAE provides a variety of learning opportunities to improve individual and organizational effectiveness. Opportunities include new hire orientation, scheduled courses, self-study resources, on-the-job-training, training available through other state agencies, and external training. The TBAE may require an employee to attend a training or education program if the training and education is related to the employee's duties or prospective duties.

TBAE Succession Planning

Effective Date: 10/01/2017

To encourage the advancement of employees within the agency and within the state classification system, the TBAE has developed an Agency Succession Plan. This plan is developed to assist and support agency leaders in planning for succession management. With pending retirements and other anticipated changes, Succession Planning is a key process and tool to assist the agency leadership to identify what competencies are needed to execute the agency business strategies, and how to best develop and retain talent. The TBAE Succession Planning is a living process and is used as a continual check and balance to identify what talent is currently available, what talent may be leaving, and how to prepare to capture necessary knowledge and disseminate it to future successors. This succession plan is supported by other key HR systems such as Learning and Development of key talent, Recruitment and Selection of internal/external talent and Performance Management to drive competency and excellence in identified talent. These HR systems will enable a successful execution of the succession plan.

Knowledge Management

The TBAE is a small agency with a staff of 20 personnel. At a minimum, TBAE will ensure there is a plan in place to "transfer knowledge" of key employees to other employees. Employees will leave at some point in time, and many will take valuable knowledge gained from experience and training with them. The TBAE's plan is to ensure that the years of accumulated knowledge, both technical and historical, do not leave the agency when an employee retires or pursues other opportunities.

Equal Employment Opportunity (EEO) Compliance Training

State agencies that receive three or more discrimination complaints with merit in a fiscal year must provide comprehensive equal employment opportunity training to managers

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Section V – Training and Professional Development

and supervisors. The training may be provided by the Texas Workforce Commission or by a person or entity approved by the Commission, including a state agency. An agency required to participate in the training must pay the cost of attending the training through an interagency contract. If the training is not provided by the Commission, documentation verifying this training must be provided to the Commission. The documentation must include the dates that the training was provided, the names of the persons attending the training, an agenda for the training program, and the name of the entity or person providing the training. The Commission determines the minimum standards for the training.

Equal Employment Opportunity (EEO) Standards Training

The TBAE provides employment discrimination training to include employment discrimination involving sexual harassment to its employees. New employees receive employment discrimination training no later than 30 days after the date of hire. Employees who complete the training sign a statement verifying their completion of the training program. The TBAE files the statement in the employee's personnel file.

The TBAE administers additional employment discrimination and sexual harassment training every two years.

Coordinated Technology Training

Each calendar quarter, the TBAE coordinates its training for the use of information resources technology with training offered or coordinated by the Department of Information Resources. The TBAE uses training offered or coordinated by the Department of Information Resources if the training meets the agency's requirements and is cost-competitive.

Cybersecurity Awareness Training

The TBAE provides employees who handle sensitive information, including financial and personnel data with cybersecurity awareness training that coincides with the distribution of data use agreements required by Texas Government Code 2054.135, and each biennial update of those agreements.

Training and Education Programs

The TBAE may spend appropriated funds to pay the salary, tuition and other fees, travel and living expenses, training expenses, expense of training materials, and other necessary expenses of an instructor, or other participant in a training or education program. Additionally, if a TBAE employee seeks reimbursement for a training or education program offered by an institution of higher education (as defined by Section 61.003 of the Texas Education Code), the TBAE may pay the tuition expenses for a program course successfully completed by the employee only at an accredited institution of higher education (refer to Policy HR-011, Training and Staff Development).

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If the TBAE spends more than \$5,000 in a fiscal year for a training or education program for any one employee, the agency must submit a report to the Legislative Budget Board no later than August 31 of each fiscal year that includes:

1. The name of each employee for which the TBAE spent more than \$5,000 in that fiscal year for a training or education program.
2. The amount spent on each employee.
3. The certification earned by each employee through the training or education program.

New Requirement

The 85th Legislature enacted legislation requiring state agencies that spend more than \$5,000 in a fiscal year for training or education program for any one employee to submit a report to the Legislative Budget Board.

The TBAE Executive Director has adopted rules relating to the eligibility of employees for training and education as outlined in Policy and Procedures HR-011, Training and Staff Development.

The TBAE may contract with another state, local, or federal department, agency, or institution of higher education to train or educate its employees or may join in presenting a training or educational program.

Training Policy Requirements

The State Employees Training Act authorizes the TBAE to use public funds to provide training and education to its employees. Such training or education must be related to the current or prospective duties of the employee.

The TBAE training and educational program may include the following:

1. Preparing for technological and legal developments.
2. Increasing work capabilities.
3. Increasing the competence of state employees.
4. Training Policy HR-011, Training and Staff Development requires training to specifically relate to an employee's duties following the training. The policy:
 - a. Provides guidelines to govern tuition reimbursements for TBAE employees enrolled in training for which the employee seeks reimbursement from the State, and
 - b. Addresses tuition reimbursement for nontraditional training, including online courses or courses not credited toward a degree.

HR-011, Training and Staff Development Policy and Procedures is posted on the agency's Website.

If a TBAE employee receives training that is paid for by the agency, and if during the training period the employee does not perform his or her regular duties for three or more months as a result of the training, the TBAE requires that the employee must agree, in

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writing, before the training begins, to certain conditions. To an employee, the following conditions must be stated:

1. Work for the agency for at least one month following the training, for each month of the training period, or
2. Reimburse the TBAE for all costs associated with the training that were paid during the training period, including salary for hours that were paid and that were not accounted for as paid vacation leave or compensatory leave.

If a TBAE employee does not provide the required service, provides those services for less than the required term, or fails to make the required reimbursements, the employee is liable to the TBAE for all costs associated with the training and for the TBAE's reasonable expenses incurred in obtaining payment, including attorney fees. By an order adopted in a public meeting, the TBAE may waive these requirements if it is in the best interest of the agency or is warranted because of personal hardship suffered by the employee.

Contract Management and Purchasing Training

The Office of the Comptroller of Public Accounts (Comptroller's Office) is responsible for developing and administering training programs for state agency employees who are responsible for contract management and/or purchasing. The TBAE will ensure that agency employees who are responsible for contract management and/or purchasing receive the required training provided by the Comptroller's Office.

However, the TBAE, in consultation with the Comptroller's Office, may develop agency-specific purchasing and contract management training programs to be administered by the agency to employees instead of, or as a supplement to, the training programs developed by the Comptroller's Office. A TBAE employee who participates in an a TBAE training program remains subject to any other applicable certification requirements established for training programs administered by the Comptroller's Office.

See the Comptroller's Office Website at <https://comptroller.texas.gov/purchasing/> for additional information on training requirements for state agency employees who are responsible for contract management and/or purchasing.

New Requirement

The 85th Legislature enacted legislation allowing state agencies, in consultation with the Comptroller's Office, to develop agency-specific purchasing and contract management training programs to be administered by the agency to its employees instead of, or as a supplement to, the training programs developed by the Comptroller's Office.

Reporting of Contract Management and Procurement Staff

Each year, the TBAE must estimate the number of its employees requiring purchasing or contract management training and report the agency's anticipated purchasing and contract management training needs of the TBAE to the Comptroller's Office.

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Section V – Training and Professional Development

New Requirement

The 85th Legislature enacted legislation requiring state agencies to estimate the number of its employees requiring purchasing or contract management training and to report to the agency's anticipated training needs to the Comptroller's Office on an annual basis.

Training in Contract Negotiation for Purchase of Information Resources Technologies

TBAE employees directly involved in contract negotiations for the purchase of information resources technologies must complete the contract negotiation training for the purchase of information resources technologies developed by the Department of Information Resources.

New Requirement

The 85th Legislature enacted legislation requiring employees of state agencies directly involved in contract negotiations for the purchase of information resources technologies to complete the contract negotiation training developed by the Department of Information Resources.

Eligibility for Training

At the discretion of the employee's supervisor, each TBAE employee is eligible to participate in training activities that are related to their current duties or prospective duties. An employee may also be required to participate in certain training activities as a condition of employment or continued employment.

The TBAE seeks to ensure that all employees receive fair and appropriate treatment and access to training and professional development opportunities. No person shall be excluded from consideration for recruitment, selection, appointment, training, promotion, retention, or any other personnel action, on the grounds of race, religion, color, national origin, sex, disability, age, veteran status, or other protected characteristic (except where age, sex, or disability constitutes a bona fide occupational qualification necessary to proper and efficient administration).

Approval to Participate in Training

All requests to participate in a training program must be authorized by the supervisor and approved by the executive director before the employee enrolls. Approval to participate in a training program is not automatic and is contingent on the availability of budgeted funds. Refer to HR-011, Training – Educational Assistance Program policy.

Employees may request to attend a training program by submitting the request in writing and attaching any relevant brochures or other material to the supervisor.

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Upon approval by the supervisor, the request will be submitted to the Executive Director for review and approval. Human Resources will submit a purchase request to the Finance Division, which will verify availability of funds and issue a purchase order number. The Finance Division will forward a confirmation of registration to the requesting department.

Proof of Satisfactory Completion

Within two weeks of the completion of the training, the employee must submit a training certificate of completion or other proof of satisfactory course completion to their supervisor along with a completed Course Evaluation Form. The supervisor will submit these documents to the Human Resources Department to be filed in the individual's personnel file.

Section VI - Performance Evaluations

Effective Date: 09/01/2002
Revision Date: 12/01/2010
Revision Date: 09/01/2015

Performance Evaluation

The performance evaluation is used by the supervisor and the employee to identify employee strengths, define career objectives, and plan for developmental needs. The performance evaluation gives the employee and supervisor an opportunity to discuss individual goals as well as agency needs. The supervisor and employee establish objectives for training, assuming new responsibilities, and/or developing new skills that are mutually agreeable to the employee and the supervisor. For more information on performance evaluations, refer to policy HR-009, Performance Management policy.

The TBAE's performance evaluation system is designed to promote and support the growth and development of employee skills and abilities. The best communications about job performance happen on an informal, day-to-day basis. An employee and his or her supervisor are strongly encouraged to talk about performance regularly. In addition, the employee and supervisor will have formal written performance evaluations on an annual basis. These discussions provide the supervisor and the employee the opportunity to discuss job responsibilities and goals, encourage and recognize strengths, identify and correct any weaknesses, develop plans for dealing with any obstacles, define career objectives, and plan for future developmental needs.

The TBAE prohibits discrimination against an individual in connection with the terms, conditions, or privileges of employment because of race, color, national origin, religion, sex, age, disability, or any other characteristic protected by law. The TBAE prohibits limiting, segregating, or classifying an employee in a manner that would deprive or tend to deprive the employee of any employment opportunity or adversely affect in any other manner the status of the employee because of race, color, national origin, religion, sex, age, disability, or any other characteristic protected by law.

Evaluation Schedule

Annual performance evaluations are completed at the end of each fiscal year (August 31.) The employee or supervisor may request that evaluations be conducted more frequently.

All newly hired employees will be considered to be on a probationary status for six months. New employees will have a written performance evaluation conducted at six months using the standard Performance Counseling Checklist/Record and the Performance Evaluation Report. Additionally, an employee who is promoted or transferred to another position within the agency will be evaluated at six months using the Performance Counseling Checklist/Record and the Performance Evaluation Report.

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Section VI – Performance Management

detailed in policy HR-009, Performance Management - Performance Appraisal System. For Special performance evaluations, refer to pages 12-13 of this policy.

Evaluation Form and Criteria

The Performance Evaluation Report form will be used during performance evaluations to ensure that performance is adequately documented and that all employees are evaluated using consistently applied methods and criteria. Using the job description, policies, procedures, and the agency strategic plan, the supervisor will make a systematic and fair assessment of the employee's duties and responsibilities.

The Performance Evaluation Report form directs supervisors to rate job performance using only job-related, non-discriminatory criteria such as: dependability, initiative, teamwork, customer focus, job knowledge, productivity, and communication. To ensure that evaluations are objective and measurable, supervisors substantiate each rating by including details of past performance in the comments section for each rating. Prior to meeting with the employee, the supervisor submits the evaluation to the Human Resources Department for review to ensure compliance with Equal Employment Opportunity standards. The Human Resources Department will forward the evaluation to the Executive Director for review. After the Executive Director has reviewed the form, and in some instances completes the Senior Rater's portion, the supervisor will schedule a meeting time with the employee.

Performance Objectives

During the performance evaluation, the employee and supervisor discuss individual goals as well as agency needs. The supervisor and employee will establish objectives for training, assuming new responsibilities, and/or developing new skills that are mutually agreeable to the employee and the supervisor. Performance objectives to be completed by the employee in the upcoming review period should be specific and measurable and must be linked to the agency's goals established by the executive director.

Merit Awards and Promotions

Effective Date: 09/01/2002
Revision Date: 12/01/2010
Revision Date: 09/01/2015
Revision Date: 10/01/2017

The TBAE may award merit salary increases to employees whose job performance and productivity is consistently above that normally expected and required.

Merit salary increases and promotions are designed to recognize high performance, acquisition of competencies and skills, and the accomplishment of goals and objectives contributing to the achievement of the agency's mission. Merit salary increases or promotions are granted solely at the discretion of Executive Director.

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This policy is intended to provide general guidance in order to determine if an employee may be considered for a merit salary increase or promotion. Meeting the merit salary or promotion criteria does not entitle an employee to the merit salary increase or promotion.

Merit salary increases or promotions are subject to the availability of funds. Personnel actions involving merit increases will be processed on the first of the month following the approval of the merit award or promotion. Exceptions to this policy may be made at the discretion of the Executive Director.

Merit Increases and One-Time Merit Payments

The TBAE may grant merit salary increases to employees whose performance and productivity is consistently above that normally expected and required. Employees may receive a one-time merit payment following the same criteria as merit salary increases. A one-time merit payment is not considered compensation or wages for purposes of determining the amount of the State's contribution for retirement. Employees at the maximum of their salary groups are not eligible to receive merit salary increases, but may be eligible to receive one-time merit payments. If an employee in a classified position reaches the maximum salary rate established by the Texas State Auditor's Office Position Classification Salary Schedule, an automatic reclassification of the existing position to award a merit salary increase is not a prerequisite. For position reclassification, refer to HR-007, Position Classification policy.

To be eligible for a merit salary increase or one-time merit payment, an employee must meet the following criteria:

1. The employee has been employed by the agency in that position for at least six continuous months before the effective date of the increase.
2. The employee's job performance and productivity in that position are consistently above that normally expected or required.
3. The effective date of the increase must be at least six months after the effective date of the employee's last promotion, merit salary increase award, or one-time merit payment for performance in that position (including a one-time merit payment given for an employee's performance during a natural disaster or other extraordinary circumstance). The Executive Director must document the employee's performance during a natural disaster or other extraordinary circumstance.

Section VII – Workplace Issues

Personnel Records

Effective Date: 12/01/2010

The Human Resources Department maintains an official personnel file on each employee. Official personnel files may be accessed by authorized personnel only. Information regarding a current or former employee will be kept confidential to the extent permitted by law.

Personnel files may be reviewed in the Human Resources Department. Files may not be taken out of the Human Resources Department except as authorized below. Copies of individual documents in an employee's file may be provided to the employee or other authorized individual upon request. Copies of an entire personnel file will only be provided in response to a public information request, a subpoena or some type of legal/investigative situation subject to legal privileges and exceptions under the Public Information Act.

At no time will employees be allowed to remove any item from the personnel file. Items may be added to the file by submitting the document(s) to the Human Resources Department.

The following agency staff may review official personnel files within the following guidelines:

1. **Employees** may view their own personnel file.
2. **Supervisors** may review official personnel files only for persons they currently supervise.
3. The **Executive Director** may review any official personnel file.
4. The **General Counsel** will be granted access to official personnel files as needed.
5. A **representative of a public agency** with statutory authority to examine official personnel files will be granted access to the files in coordination with the General Counsel's office.
6. Files may be accessed to satisfy requests under the **Texas Public Information Act** (Open Records) as coordinated through the General Counsel's office.

Updating Personnel Records

Employees are responsible for providing the agency with changes to a mailing address, telephone number(s), marital status, dependents' information, educational accomplishments, and other possibly related information. Employees maintain a current emergency contact in case of an accident or injury. Changes to personal information may be made on the Employee Data Form and submitted to the Human Resources Department.

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Public Access to Personnel Records

In accordance with the Texas Public Information Act, an employee has the right to choose whether to allow public access to his or her social security number, home address, telephone number, and information related to family members.

An employee has the right restrict access to personal information by submitting a completed Personal Privacy Form to the Human Resources Department. Forms may be updated at any time.

Crime Victim Identification

Employees may elect to restrict public access to information held by the TBAE that would identify or tend to identify them as a crime victim. This would include photographs or other visual representation of the victim. Employees must make the request in writing and forward the request to the Human Resources Department.

Place of Work and Working Hours

Effective Date: 09/01/2002
Revision Date: 12/01/2010
Revision Date: 10/01/2017

All Texas State agencies are required to maintain normal business hours of 8 a.m. to 5 p.m., Monday through Friday. All state agencies are required to remain open with at least one person on duty during the lunch hour to accept calls, receive visitors, and conduct business. In order to ensure proper staffing, at least one staff member from each division and two agency supervisors shall remain on duty until 5:00 pm each day.

The normal work schedule for all full-time employees is eight (8) hours a day, five (5) days a week. Supervisors determine an employee's work schedule based on staffing needs and operations demand of the division and agency

Employees must, during normal working hours, conduct agency business only at their regular place of business or assigned duty point unless they are on travel status or have received prior written authorization from the executive director. An employee's home may not be considered his or her regular place of business without the written approval of the executive director.

Breaks

Employees may, at the discretion of the supervisor, take two informal 15-minute breaks: one in the morning and one in the afternoon. Breaks are counted as paid time worked and employees are not to be absent from work longer than the allotted break time.

Employees are not entitled to any type of compensation for a missed break. Breaks may not be combined, carried forward, accumulated or accrued, added to a lunch period, used in conjunction with paid leave, or used at the start or end of the workday.

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Section VII – Workplace Issues

Lunch Period

All full-time nonexempt employees are provided with one unpaid meal period of at least 30 minutes each workday. An employee is relieved of all work responsibilities and restrictions during meal periods and will not be compensated for that time.

Supervisors are responsible for scheduling meal periods to accommodate operating requirements. Employees must obtain approval from the supervisor before changing a regularly scheduled lunch time. Taking a shorter lunch break than scheduled does not excuse an unauthorized tardiness or unauthorized early departure from the workplace.

Flextime

A flextime schedule allows flexibility around the start and end times of a work day within limits set by the Executive Director. An employee working a flextime schedule generally works (8) hours a day Monday through Friday, but works hours other than 8:00 a.m. to 5:00 p.m.

THE TBAE allows flextime schedules subject to approval by the supervisor and within the following guidelines:

1. the workday may start as early as 7:00 a.m. or as late as 9:00 a.m.
2. the workday may end as early as 4:00 p.m. or as late as 6:00 p.m.
3. employees participating in a flextime schedule are expected to take a minimum 30-minute lunch break during the day.
4. once an employee commits to a flextime work week schedule, the employee cannot request an alternative schedule again for three months

Exceptions may be made on a case-by-case basis, with the approval of the supervisor and the Executive Director.

Compressed Work Week

The TBAE Executive Director does not allow compressed work week schedules at this time.

Holidays

All full-time employees will be expected to follow the standard schedule of five full eight-hour workdays during a week with a holiday. Part-time schedules will be pro-rated to five equivalent workdays on a week with a holiday. Schedules may be adjusted within the Flextime guidelines during a week with a holiday.

Telecommuting

Effective Date: 09/01/2002
Revision Date: 12/01/2010
Revision Date: 09/01/2015
Revision Date: 09/27/2016

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Telecommuting Eligibility Criteria

The purpose of the telecommuting policy is to define the TBAE telecommuting program and the rules under which it will operate. This policy is designed to help managers and employees to understand the telecommuting environment.

Telecommuting is a voluntary work alternative that may be appropriate for some employees and some positions within the TBAE. It is, therefore, the TBAE policy to allow employees who need short-term “project-specific telecommuting time,” be allowed to work at an alternative location for a limited time; on a non-routine basis. This short-term arrangement may require intense concentration that is best completed outside of the office. Project-specific telecommuting time must be arranged with the employee’s direct supervisor and approved by the executive director on an as-needed basis. Either an employee or a supervisor can suggest telecommuting as a possible temporary work arrangement; or,

Short-term arrangements can be made for employees on family or medical leave, to the extent practical for the employee and the TBAE and with the consent of the employee’s health care provider, if appropriate. All informal (short-term) telecommuting arrangements are made on a case-by-case basis, focusing first on the business needs of the TBAE. A workplace other than the employee’s usual and customary workplace (primary workplace) may include the employee’s home.

Temporary or emergency telecommuting may be used during short-term illness, transportation emergency due to weather, a natural disaster, or pandemic health crises.

The TBAE and the employee will agree upon the equipment to be used when telecommuting. The employee will protect equipment provided by the TBAE against damage and unauthorized use. Agency-owned equipment will be serviced and maintained by the TBAE. Equipment provided by the employee will be at no cost to the TBAE, and will be maintained by the employee.

The TBAE’s security controls and conditions for use of the state-owned equipment for the official work location will also apply to alternative workplaces. All official TBAE records, files, and documents must be protected from unauthorized disclosure or damage and returned safely to the primary workplace. The employee agrees to abide by any rules disseminated by the TBAE concerning the use of computer equipment (which may include protecting the employee’s home PC against computer “viruses”), and understands that these rules may be changed at any time with proper notice. The employee agrees to follow the TBAE procedures for network access and to take all necessary steps to protect the integrity of systems, including but not limited to, protecting passwords, not duplicating TBAE-owned software, and not allowing TBAE files to be viewed by others.

While teleworking, employees shall be reachable by telephone, fax, mobile phone, or e-mail during the agreed-upon work hours. The employee and supervisor shall agree on expected turnaround time and the medium for responses.

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Telework employees shall not perform personal business during hours agreed upon as work hours.

Dress Code

Effective Date: 09/01/2002
Revision Date: 12/01/2010

It is the TBAE's policy that each employee's dress, grooming, and personal hygiene should be appropriate to the work situation.

During business hours or whenever representing the TBAE, employees are expected at all times to present a professional, businesslike image. The TBAE may make reasonable accommodation in the dress code policy for a person with a disability.

The TBAE employees are expected to follow the personal appearance guidelines below:

1. Shorts, tank tops, tube tops, or halter tops may not be worn under any circumstances.
2. Mustaches and beards must be clean, well-trimmed, and neat.
3. Unnaturally colored hair and extreme hairstyles do not present an appropriate professional appearance.
4. Offensive body odor and poor personal hygiene is not professionally acceptable.
5. Perfume, cologne, and aftershave lotion should be used moderately or avoided altogether, as some individuals may be sensitive to strong fragrances.
6. Facial jewelry, such as eyebrow rings, nose rings, lip rings, and tongue studs, is not professionally appropriate and must not be worn during business hours.
7. Clothing that is stained, wrinkled, frayed, or revealing is not appropriate.
8. Athletic shoes may not be worn except for casual days.

Casual Days

The TBAE has designated each Friday as a "casual" dress code day, unless otherwise notified. Other days may be also designated as casual days with prior notification from the Executive Director. On casual days, employees may wear more casual and relaxed clothing while still maintaining a business image.

Examples of acceptable casual wear include:

1. jeans, capris pants, skorts
2. casual dresses and skirts
3. casual shirts and blouses
4. casual slacks
5. athletic shoes

Examples of clothing that should not be worn on casual days include:

1. sweatpants, warm-up or jogging suits and pants

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2. shorts, tank tops, halter tops
3. clothing with offensive messages or images
4. walking shorts or Bermuda shorts
5. slippers

If questionable attire is worn in the office, the supervisor will hold a personal, private discussion with the employee and counsel the employee regarding the inappropriateness of the attire. Employees who must leave the office to conform to the policy will be required to use personal leave time.

Repeated policy violations will result in disciplinary action, up to and including termination.

Building Security

Effective Date: 12/01/2010

The TBAE strives to provide all employees with a safe, non-violent work environment. The TBAE building security program is designed to create a safe and secure work environment for all employees, while also safeguarding the property of the agency. Employee cooperation is required for the program to be effective.

Reception Area

The reception area is open to the public and remains unlocked during working hours. Visitors should be directed to enter through the reception area to sign in. All other doors to the TBAE are locked and accessible only with an Access Code. Employees should ensure that the main doors are securely closed when entering or exiting the suite to maintain security.

Employee Security Cards

A building security card will be issued to each employee. This card will be required to operate doors allowing entrance to the Hobby building. Employees are responsible for their assigned card and shall not give another person access to or use of their assigned building access card. Separating employees must surrender their building access card to the Human Resources Department.

The TBAE Access Codes

A TBAE access code will be issued to each employee. This code will be required to operate doors allowing entrance to the TBAE offices. Employees are responsible for their assigned code and may not share the code with another person.

Visitors in the Workplace

Effective Date: 09/01/2002

Revision Date: 12/01/2010

All visitors to the Hobby building will be required to register at the central information desk located in the lobby of the building.

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Once authorized, visitors will receive a visitor badge and directions to the TBAE reception area.

Visitors are asked to sign the TBAE guest book and employees will be notified to meet the visitor escort them through the office if necessary. Employees are responsible for their visitors and are responsible for their conduct and safety. Visitors are not permitted to use the TBAE computers, fax machines, or copiers unless a supervisor has given direct approval.

If an unauthorized person (an unknown person with no badge or escort) is in the TBAE offices, please notify the supervisor or the Human Resources Department immediately or direct the individual to the reception area.

Contact with the Media

Effective Date: 12/01/2010

Revision Date: 09/01/2015

The TBAE will not discuss the details of any investigation or case with the media until after the information has been officially released. Employees who are contacted directly by the media should refer the caller to the Communications Manager. Failure to comply with the procedures in CO-001, Media and Public Relations Management policy could result in disciplinary action, up to and including termination.

Referral of Media Inquiries

Any media inquiry received from radio or television stations, magazines, or newspaper reporters should be immediately directed to the Communications Manager. No employee is to communicate with any member of the media on behalf of the TBAE, the state, or any agency or state official on any policy matter or any case without specific prior approval from the Executive Director and/or the Communications Manager. In the absence of prior approval of a media interview, no TBAE employee has permission to go forward with the interview.

Driving

Effective Date: 05/15/2007

Revision Date: 12/01/2010

The TBAE employees assigned to driving duties ("drivers") must exercise normal prudent care in operating a motor vehicle while conducting TBAE business. The term "motor vehicle" means any motor vehicle driven by an agency employee while conducting TBAE business regardless of whether the motor vehicle is owned by the agency, privately owned by an agency employee or third party, or a rental vehicle.

Employees who operate motor vehicles in the performance of authorized business are required to possess a valid Texas driver's license, maintain an acceptable driving record,

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and follow all traffic safety laws. All vacancies involving positions with driving duties will be posted to note that a valid driver's license is a condition of employment.

Violation of this policy, including improper use of a motor vehicle, loss of driver's license, or failing to maintain an acceptable driving record may subject the employee to disciplinary action, which may include termination. **Nothing in this policy changes or limits the employment at-will status of an employee and the agency's right to terminate an employee at any time.**

Driving Records

Driving records may be obtained if an applicant or employee is expected to drive in the conduct of their employment. The TBAE considers details such as automobile accidents, driving violations, and driver status information to determine whether the individual has an acceptable driving record for the TBAE. The TBAE may check driving records on an annual basis.

Generally, a driving record is unacceptable if the DPS report shows:

1. A DWI or DUI within the last 3 years.
2. Three or more moving violations within the last 3 years.
3. Three or more incidents/accidents/violations within the last 3 years.

Driver Training

New employee of the TBAE may not operate a state vehicle or rental car in the conduct of TBAE business unless the new employee has successfully completed a Defensive Driving Course within 90 days after the hire date, or has successfully completed such a course within the preceding 36 months. All current employees subject to the provisions of this policy will complete a defensive driving course not later than 30 days following the policy implementation date of 1/01/2011 unless the employee has completed such course within the preceding 36 months of policy implementation date. The defensive driving course will be approved and paid for by the TBAE. Additionally, employees shall be required to complete a refresher defensive driving class every three years.

Approved Driver Status

Employees who are required to drive but who fail to meet and maintain the requirements of Approved Driver Status may be terminated. To meet the requirements of Approved Driver Status an employee must at all times meet the following criteria:

1. possess a current, valid Texas driver's license
2. maintain an acceptable driving record
3. follow all state traffic safety laws and vehicle operation requirements listed below
4. comply with the procedures set forth below if involved in a motor vehicle accident while on duty

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Employees with driving duties must report to their immediate supervisor and the Human Resources Department any revocation or suspension of a driver's license no later than the first regular work day following the suspension or revocation.

Vehicle Operation Requirements

While operating a vehicle on agency business:

1. An employee is required to exercise the normally prudent care demanded by the road, weather, light, and all other prevailing driving conditions.
2. The driver and all passengers will wear safety belts whenever operating/ traveling in a motor vehicle.
3. Drivers of motor vehicles will adhere to the motor vehicle safety laws and rules.
4. An employee will not carry firearms in violation of Chapter 46 of the Texas Penal Code.
5. Consumption of alcoholic beverages or illegal drugs is prohibited.
6. Employees will adhere to Texas Department of Public Safety laws regarding alcohol consumption.
7. No employee will operate a motor vehicle while under the influence of any drug or medication which may tend to degrade a person's ability to operate a motor vehicle in a safe and prudent manner.
8. No employee may operate a motor vehicle who does not have a valid Texas driver's license. An employee must carry a valid Texas driver's license while operating a motor vehicle.
9. Non-agency personnel may not ride in an agency-owned or rented vehicle unless the person's presence is directly related to the immediate conduct of agency business or has been specifically approved by the Executive Director.
10. All privately-owned motor vehicles used by employees to conduct agency business will have a current motor vehicle inspection sticker, a valid license plate, and will have liability insurance in effect that meets or exceeds the minimum coverage required by state law.
11. Every employee driving a motor vehicle on duty is responsible for knowing and complying with Texas motor vehicle and driver licensing laws.
12. The agency will not pay any citations incurred by an employee.

In The Event of a Motor Vehicle Accident Involving an Employee While On Duty Employee's Responsibilities at the Scene

1. Render aid and assistance to any injured persons.
2. Notify the proper law enforcement agency having jurisdiction at the place of the accident.
3. Comply with all state laws regarding motor vehicle accident reporting and investigation. (See Chapter 550 of the Transportation Code available on line at www.capitol.state.tx.us under Legislative Resources, Texas Statutes.)
4. Do not sign any waiver concerning the accident. Assist law enforcement personnel in their investigation, but do not speculate about what happened. If an employee does not know or is unsure of the answer to any question, state "I do not know".

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5. Engage in no arguments and refer all complaints to the Human Resources Department.
6. Obtain the names, telephone numbers, and addresses of the drivers of all other vehicles involved in the accident, if possible. Also obtain the names of their insurance carriers, policy numbers, and carriers' claim telephone numbers.
7. Obtain the names, addresses, and telephone numbers of witnesses, if possible.
8. If a camera is available, obtain photographs of all vehicles, showing the condition and damage of each vehicle. The TBAE encourages employees to keep a disposable camera in the glove box for such emergencies.
9. If not injured, remain at the scene until the investigation is completed or until released by law enforcement personnel at the scene.

Notice to Supervisor and Human Resources Department

An employee involved in a motor vehicle accident while on duty shall notify their immediate supervisor and the Human Resources Department of the accident as soon as possible, but not later than the first regular work day following the day of the accident. An employee needs to be prepared to provide the following information to the Human Resources Department at that time:

1. Time and location of the accident.
2. Other occupants in employee's motor vehicle.
3. License plate/serial number of employee's motor vehicle.
4. Nature of injuries, and/or property damage.

An employee involved in a motor vehicle accident shall complete a DPS Vehicle Accident Report Form (DPS form ST-2). The employee must submit a copy of the motor vehicle accident report, along with any photographs or film, to the Human Resources Department within three working days after a motor vehicle accident has occurred. The employee shall provide any other information relating to the accident as requested by the Human Resources Department.

The employee is also responsible for filing the accident report with the appropriate law enforcement authority, as applicable, and for complying with any other requirements of state law relating to drivers involved in a motor vehicle accident.

An employee who is involved in a motor vehicle accident which occurs while on duty that results in an employee injury must inform the Human Resources Department of the injury. The Human Resources Department will coordinate with the agency's Workers' Compensation Claims Coordinator so that the Employer's First Report of Injury or Illness (Form TWCC-1S) can be completed according to the applicable rules and instructions contained in the Claims Coordinator Handbook.

Smoking

Effective Date: 09/01/2002
Revision Date: 12/01/2010

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The TBAE provides a smoke and tobacco free office. Smoking is prohibited inside any State building or State Parking Garage, and within fifteen (15) feet of a public entrance to a State building. Smoking is allowed only outside the building in designated areas. This policy applies equally to all employees as well as to our customers and visitors.

Employees may smoke outside during breaks. No additional time beyond the normal 15 minute break is allowed for smoking.

Questions regarding the location of the designated smoking areas may be directed to the Human Resources Department. Employees who violate this policy will be subject to disciplinary action, up to and including termination from the agency.

Workplace Monitoring

Effective Date: 09/01/2002
Revision Date: 12/01/2010

The TBAE may conduct workplace monitoring to help ensure quality control, employee safety, security, and customer satisfaction.

Employees who regularly communicate with customers may have their telephone conversations monitored or recorded. Telephone monitoring may be used to identify and correct performance problems with targeted training.

The computer equipment and systems and Internet access that employees may use are always the property of the TBAE. Therefore, we reserve the right to monitor computer activities. We also reserve the right to retrieve and read any computer files or data that are composed, sent, or received through Internet connections or stored in our computer systems.

Information gathered through workplace monitoring that may impact employment decisions may be accessed through an open records request. Access will be granted unless there is an ongoing investigation or a legitimate business reason to protect confidentiality.

Every effort will be made to ensure that workplace monitoring is done in an ethical and respectful manner.

Security Inspections

Effective Date: 09/01/2002
Revision Date: 12/01/2010

The TBAE is committed to maintaining a work environment that is free of illegal drugs, alcohol, firearms, explosives, or other improper materials. The TBAE prohibits the possession, transfer, sale, or use of such materials on state agency property.

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Desks, cabinets, and other storage devices are the sole property of the TBAE and may be inspected by authorized persons with or without prior notice to the employee.

Emergency Closings

Effective Date: 09/01/2002
Revision Date: 12/01/2010

Emergencies such as severe weather, fires, or power failure may disrupt normal business operations at the TBAE. If the agency is closed due to emergency conditions, employees will be granted paid time off.

The phone number that employees should call regarding inclement weather/office closing notification is: (512) 305-8517.

Employees who are required to work during an emergency closing will earn state compensatory time to use later.

Time off for emergency closing is subject to the following guidelines:

1. When an employee is temporarily working in the same metropolitan area (for example, conducting an investigation, deposition, or presentation) and the agency closes, the employee should receive compensatory time for working.
2. When an employee is temporarily working in another metropolitan area and the agency closes, the employee should not receive compensatory time for working.
3. A part-time employee who has already completed his or her scheduled hours when the agency closes would not receive any compensatory time or administrative time off because the agency was not closed while the employee was scheduled to work.
4. A part-time employee who has not completed their scheduled hours when the agency closes should receive administrative leave time because the agency was closed while the employee was scheduled to work.
5. If an employee is on sick or vacation leave and the agency closes due to inclement weather, the employee should receive administrative leave for the absence.

If an emergency closing is not authorized, employees not reporting for work will be required to use personal leave for the time off.

If an employee is temporarily working in another metropolitan area where emergency closures are occurring, the employee should contact the supervisor immediately.

HIV/AIDS in the Workplace

Effective Date: 12/01/2010

The TBAE does not discriminate in any employment practices, privileges, and conditions of employment regarding employees with HIV/AIDS conditions. Employees with HIV/AIDS are allowed to continue to work with the same rights and privileges as any other

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individual with a communicable disease that is not contagious in the normal work environment.

Employees with HIV/AIDS will be treated no differently than employees with other life-threatening illnesses and will be provided with reasonable accommodation as long as they are medically able to perform their assigned duties and do not pose a danger to their own health and safety or the health and safety of others.

The TBAE has established employee workplace confidentiality guidelines and makes available educational materials for employees concerning the human immunodeficiency virus (HIV) and its related conditions, including acquired immunodeficiency syndrome (AIDS).

Current medical research and scientific opinion indicate that there is no risk of HIV/AIDS transmission in the normal work setting. Routine daily encounters with coworkers pose no risk of transmitting the fragile blood-borne HIV/AIDS virus.

Definitions

HIV (Human Immunodeficiency Virus) is a virus that destroys a person's Defenses against infections. These defenses are known as the immune system. After infection with HIV, a person may remain without symptoms for a long period but that person is able to infect others through sexual or direct blood contact. As the disease progresses, the immune system may become so weakened that a person may eventually develop life-threatening infections and cancers. Persons with HIV infection are at risk of acquiring infections from coworkers while coworkers are not at risk of acquiring HIV infection from these persons.

AIDS (Acquired Immunodeficiency Syndrome) is an infectious disease and the final stage of HIV infection.

Confidentiality

Any medical documentation or information provided by an HIV/AIDS-infected employee to management personnel must be considered confidential and private information. Employers are forbidden by law to disclose this information without the employee's knowledge and consent, except as provided by law. All information relating to an employee's HIV/AIDS condition must be maintained in a separate medical file apart from an employee's personnel files. Any individual who breaches the HIV/AIDS-infected employee's rights commits a serious offense. This breach may be cause for litigation, resulting in both civil and criminal penalties.

Questions

Specific questions regarding this policy or supervisory responsibilities when dealing with an employee who has HIV or AIDS-related conditions or other suspected communicable diseases should be directed to the Human Resources Department.

Section VIII – Ethics & Standards of Conduct

Effective Date: 09/01/2007
Revision Date: 12/01/2010
Revision Date: 10/01/2017

Pursuant to Section 572.051(d) of the Texas Government Code, the Texas Board of Architectural Examiners (TBAE) disseminates the following ethics policy. The Office of the Attorney General (OAG) is responsible for developing and distributing a model policy that state agencies may use.

This ethics policy prescribes standards of conduct for all TBAE employees

All TBAE employees are expected to familiarize themselves with this ethics policy.

All TBAE employees must abide by all applicable federal and Texas laws, administrative rules, and the TBAE conduct policies, including this ethics policy. An employee who violates any provision of the TBAE's conduct policies is subject to termination of the employee's state employment or another employment-related sanction. A TBAE employee who violates any applicable federal or Texas law or rule may be subject to civil or criminal penalties in addition to any employment-related sanction.

Texas Ethics Commission (TEC) online ethics training can be accessed from the TEC website at www.ethics.state.tx.us/training/Online_Ethics_Training.html

Unacceptable Solicitations and Benefits

State law requires that all individuals who are responsible to the State in the performance of their official duties observe certain standards of conduct and disclosure requirements:

TBAE employees and officers shall not:

1. accept or solicit any gift, favor, or service that might reasonably tend to influence the employee's or officer's discharge of official duties, or that is offered with the intent to influence official conduct;
2. intentionally or knowingly solicit, accept, or agree to accept any benefit for having exercised his or her official powers or performed his or her official duties in favor of another;
3. disclose confidential information, information that is excepted from public disclosure under the Texas Public Information Act (Tex. Gov't Code Ann. Ch. 552), or information that has been ordered sealed by a court, that was acquired by reason of the employee's official position, or accept other employment, including self-employment, or engage in a business, charity, nonprofit organization, or professional activity that the employee might reasonably expect would require or induce the employee to disclose confidential information, information that is

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excepted from public disclosure under the Texas Public Information Act, or information that has been ordered sealed by a court, that was acquired by reason of the employee's official position;

4. accept other employment, including self-employment, or compensation or engage in a business, charity, nonprofit organization, or professional activity that could reasonably be expected to impair the employee's independence of judgment in the performance of the employee's official duties;
5. make personal investments, or have a personal or financial interest, that could reasonably be expected to create a substantial conflict between the employee's private interest and the public interest;
6. utilize state time, property, facilities, or equipment for any purpose other than official state business, unless such use is reasonable and incidental and does not result in any direct cost to the state or the TBAE, interfere with the employee's official duties, and interfere with the TBAE functions;
7. utilize his or her official position, or state issued items, such as a badge, indicating such position for financial gain, obtaining privileges, or avoiding consequences of illegal acts;
8. knowingly make misleading statements, either oral or written, or provide false information, in the course of official state business; or
9. engage in any political activity while on state time or utilize state resources for any political activity.

The TBAE may not use appropriated money to compensate a state employee who violates a standard of conduct. In addition, unless authorized by law, a state employee may not accept money for wages or travel expenses from a person that the employee's state agency intends to, or currently, auditing, examining, or investigating.

The TBAE may not use appropriated money to publicize or direct attention to a state officer or employee. In addition, the TBAE may not use appropriated money to maintain a publicity office or department, employ an individual who has the title or duties of a public relations or press agent, or pay a public relations agent or business.

A TBAE employee is expected to:

1. perform official duties in a lawful, professional, and ethical manner befitting the state and TBAE; and
2. report any conduct or activity that the employee believes to be in violation of this ethics policy to Human Resources or the General Counsel

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Regulatory Agencies

A former employee of the TBAE, who was compensated, as of the last date of state employment, at or above the amount prescribed by the General Appropriations Act at the minimum rate of salary group B17 of the position classification salary schedule, may not represent any person or entity, or receive compensation for services rendered on behalf of any person or entity, regarding a particular matter in which the former employee participated during the period of state service or employment, either through personal involvement or because the case or proceeding was a matter within the employee's official responsibility.

An association or organization of employees of the TBAE may not solicit, accept, or agree to accept anything of value from a business entity regulated by the TBAE and from which the business entity must obtain a permit to operate that business in this state or from an individual directly or indirectly connected with that business entity.

Reporting Violations of Law (Whistleblower)

Under the provisions of the Whistleblower Act, the TBAE may not suspend, separate, or take adverse action against an employee because the employee, in good faith, reports a violation of the law by the agency or another public employee. In order to file a suit under the Whistleblower Act, an employee who is suspended or separated from employment or who has received an adverse personnel action and who has reported such a violation of law to an appropriate law enforcement authority, must file a grievance after any alleged violation of the Whistleblower Act has occurred or was discovered by the employee through reasonable diligence.

The same laws that prohibit discrimination also prohibit retaliation against individuals who oppose unlawful discrimination or participate in an employment discrimination proceeding. The TBAE will not fire, demote, harass, or otherwise "retaliate" against employees for filing a charge of discrimination, participating in a discrimination proceeding, or otherwise opposing discrimination. Employees should refer to the HR-003, Employee Relations – Grievance Management policy.

Employee Conduct

Revision Date: 12/01/2010

The successful business operation and reputation of the TBAE is built upon the principles of fair dealing and ethical conduct of employees. The TBAE's reputation for integrity and excellence requires careful observance of the spirit and letter of all applicable laws and regulations, as well as a scrupulous regard for the highest standards of conduct and personal integrity.

It is the responsibility of every TBAE employee to comply with the policies in this section regarding standards of conduct. Disregarding or failing to comply with the TBAE standards of conduct could lead to disciplinary action, up to and including termination of employment.

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Section VIII – Ethics and Standards of Conduct

Performance Standards

Employees are expected to perform their duties to the highest standards for the agency and the public. Employees are required to respond readily to the direction of their supervisors, to cooperate fully with all properly constituted authorities and do their work promptly and accurately. All relations with fellow employees, the public, and others must be conducted in a manner which will not needlessly cause dissension or discord among employees or disrupt official business.

Workplace Etiquette Standards

The TBAE strives to maintain a positive work environment where employees treat each other with respect and courtesy. Issues may arise when an employee may be unaware that their behavior at work may be disruptive or annoying to others. Employees are encouraged to address these day-to-day issues by politely talking with the co-worker to bring the perceived problem to his or her attention.

The TBAE encourages all employees to keep an open mind and accept constructive feedback or a request to change behaviors that may be affecting another employee's ability to concentrate and be productive.

Conflicts of Interest

Effective Date: 09/01/2002

Revision Date: 12/01/2010

Employees may not engage in any activity or incur any obligation that conflicts with their ability to conduct their duties in the public's interest. Employees may not:

1. Accept any gift, favor, or service that might tend to influence an employee's conduct.
2. Accept employment or engage in an activity that might reasonably require an employee to disclose confidential information.
3. Accept employment or money that would reasonably tend to impair independent judgment.
4. Make personal investments that could reasonably be expected to create a conflict between private and public interests.
5. Intentionally or knowingly solicit or accept any benefit for performing their duties in favor of another person or business.

The agency must provide employees a copy of these rules, and employees must acknowledge their receipt. Acknowledgements must be made available for public inspection. New acknowledgements for these employees are not required unless the content of the law is changed by the Legislature.

Additionally, the Legislature has determined that the following acts are inappropriate:

1. A former officer or employee of a regulatory agency may not receive compensation for services provided to another employer regarding a matter he or she participated in while employed by the State.

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2. Employees of a regulatory agency may not solicit or accept gifts or agree to accept anything of value from any business regulated by that agency (or from an individual directly or indirectly connected with that business entity) and from which the business must obtain a permit to operate.
3. A state officer may not solicit or receive compensation from the State or any state entity for the award of a contract or sale, excluding those contracts or sales awarded by competitive bid and not otherwise prohibited.

Political Influence

Effective Date: 09/01/2002

Revision Date: 12/01/2010

Employees have the rights of freedom of association and political participation guaranteed by the federal and state constitutions, subject to some limitations. Employees may not use official authority or influence to affect the result of an election or to achieve any political purpose. Employees may not coerce, restrict, or prevent contributions to candidates or political organizations. Violators may be subject to immediate termination for gross misconduct. Employees are permitted to testify on their own behalf on their own time, or during working hours on behalf of the agency, in support of or in opposition to specific legislation.

State employees are not allowed to be employed as paid lobbyists. Appropriated funds may not be used as compensation to employees who are required by Chapter 305 of Texas Government Code to register as lobbyists. Appropriated funds may not be used to pay membership fees in organizations that pay all or part of the salary of a person required by Government Code to register as a lobbyist.

The use of state-owned vehicles to support the candidacy of a person running for office is prohibited.

Use of State Property

Effective Date: 09/01/2002

Revision Date: 12/01/2010

Employees are forbidden to misuse government time, property, facilities or equipment that has come into the employee's custody or possession by virtue of public employment. Misuse of personal computers, copiers, personal use of long-distance or fax equipment, and conducting any outside business on State time are only a few examples of unauthorized use. State resources shall not be used to further private commercial enterprises. State resources, including employee time, property, facilities and equipment, are to be used for state business only, except as specifically stated herein. The improper, careless, negligent, destructive, or unsafe use of state property may result in disciplinary action, up to and including termination of employment.

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Return of State Property

All property, equipment and supplies issued to employees for use in carrying out their official duties remain agency property. Upon separation of employment, all such property must be returned to the division. Work papers, copies of official papers, and notes or diaries of official business are also official records and documents and must be turned in to the division at the time of separation or upon demand. Security badges and cards, building passes, access cards, office keys, state issued credit cards, and all other credentials must be returned.

State Records and Documents

All records and documents, including computer files, are in the custody of agency employees for official purposes only. Disposal or destruction of records and documents is to be made in accordance with the Records Retention Schedule of the agency. Copies of confidential or sensitive personnel or financial information should be disposed of in accordance with procedures established within each division.

Employees will be held responsible for the loss, disposal, or theft of official documents when attributable to the employee's actions. Employees are cautioned against leaving official documents unprotected in automobiles, on public conveyances, in restrooms, or any other inappropriate locations.

State Vehicles

State-owned or state-leased motor vehicles may be used only for official state business. This includes the commute to and from work if approved by the Executive Director. The names and job titles of these employees and the reasons for authorization must be included in the agency's annual report.

The improper, careless, negligent, destructive, or unsafe use or operation of vehicles, as well as excessive or avoidable traffic and parking violations, may result in disciplinary action, up to and including termination of employment.

Fraud Prevention and Detection

Effective Date: 12/01/2010

The TBAE does not tolerate any type of fraud. It is the policy of the TBAE to promote consistent, legal, and ethical organizational behavior by assigning responsibilities and providing guidelines to enforce controls and conduct investigations. All employees are expected to report any possible fraudulent or dishonest acts.

This policy applies to any fraud or suspected fraud involving employees, consultants, vendors, contractors, outside agencies, or persons doing business with the agency or in any relationship with the agency.

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Employees found to have participated in fraudulent activity are subject to disciplinary action, up to and including termination.

Fraud Defined

Fraud is defined as the intentional, false representation or concealment of a material fact for inducing another to act upon it to his or her own injury. It also includes any deliberate act or failure to act with the intent of obtaining an unauthorized benefit. Examples of such conduct include, but are not limited to:

1. Forgery or alteration of a check, bank draft, or any other financial document;
2. Misappropriation of funds, supplies, or other assets;
3. Impropriety in the handling or reporting of money or financial transactions;
4. Profiting as a result of insider knowledge of agency operations;
5. Any dishonest or fraudulent act.

Responsibilities

Every TBAE employee is responsible for ensuring that the public's expectation of honesty and integrity in government is met. All TBAE employees are expected to abide by the guidelines set forth in this Fraud Prevention and Detection Policy. An employee who discovers or suspects fraudulent activity should immediately contact the General Counsel.

Management personnel are required to be familiar with the different types of improprieties that might occur within their area of responsibility and they must be alert for any indication of irregularity. In addition, managers and/or supervisors are responsible for maintaining a system of internal controls, which detect and deter fraudulent or dishonest conduct.

The General Counsel is the first point of contact for reporting all known, alleged or suspected fraud or other illegal activities at the TBAE. The General Counsel has the primary responsibility for the investigation of all suspected fraudulent acts. Any required investigative activity is conducted without regard to the suspected wrongdoer's length of service, position/title, or relationship to the agency. If the General Counsel is believed to be involved with the suspected fraudulent activity, the Executive Director shall assume the duties of the General Counsel.

The Executive Director is responsible for coordinating efforts to comply with this policy and will serve as the contact person for the Governor's Office on fraud prevention and detection activities at the TBAE. The Executive Director shall assume the duties of the General Counsel if the General Counsel is believed to be involved with the suspected fraudulent activity.

Confidential Disclosure

All employees are expected to report any possible fraudulent or dishonest acts. Information concerning any fraudulent act is held in strict confidence to the extent allowed by law. Investigation results are not disclosed or discussed with anyone other than those who have a legitimate need to know.

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The TBAE will not tolerate any form of retaliation against an individual who provides information concerning fraud or suspected fraud in good faith. An employee who intentionally reports false or misleading information, however, is subject to disciplinary action, up to and including termination.

Investigation Process

The TBAE has developed the following investigative steps to ensure the fair, objective and thorough investigation and reporting of all such activities. At each step, every effort will be made to protect the rights and reputations of everyone involved, including the alleged violator(s).

1. The TBAE employees shall report any known, alleged or suspected fraud or other illegal activities at the TBAE to the General Counsel. Such reporting may be verbal or written, and may be made by anyone having knowledge of the activity.
2. The General Counsel will make a preliminary determination as to the necessity for proceeding with an investigation of the reported fraud or illegal activity.
3. Before proceeding with an investigation, the General Counsel will advise the Executive Director of all facts known regarding the reported fraud or illegal activity.
4. All personnel, files, data, records and equipment shall be made available to the General Counsel to use in investigating the occurrence of, and extent of, any fraudulent or other illegal act.
5. Upon completing the investigation, the General Counsel will report the results of the investigation to the Executive Director.
6. If the Executive Director believes that the TBAE assets may have been lost, misappropriated, or misused; or that other fraudulent or unlawful conduct has occurred in relation to the operations of the TBAE, then he or she shall report the reason and basis for the belief to the State Auditor and the TBAE Board Chair.

Unacceptable Employee Conduct

Effective Date: 09/01/2002
Revision Date: 12/01/2010
Revision Date: 10/01/2017

To ensure orderly operations and provide the best possible work environment, we expect and employee to follow rules of conduct that will protect the interests and safety of all employees and the TBAE.

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Although it is not possible to list all the forms of behavior that are considered unacceptable at work, the following are some examples of conduct that may result in immediate disciplinary action, up to and including termination of employment:

1. Theft or inappropriate removal or possession of property
2. Falsification of timekeeping, travel, or expense records
3. Working under the influence of alcohol or illegal drugs
4. Possession, distribution, sale, transfer, or use of alcohol or illegal drugs in the workplace, while on duty, or while operating employer-owned vehicles or equipment
5. Physical or verbal abuse or other disrespectful conduct toward employees, registrants, or other individuals conducting business with the TBAE
6. Fighting or threatening violence in the workplace
7. Boisterous or disruptive activity in the workplace
8. Negligence or improper conduct leading to damage of employer-owned or customer-owned property
9. Insubordination (acting or communicating in a manner contrary to directions from management)
10. Violation of safety or health rules
11. Smoking in prohibited areas
12. Inappropriate comments which might be insulting or demeaning to others, including ethnic, racial, or sexual comments
13. Behavior that constitutes harassment or other unlawful discrimination
14. Possession of dangerous or unauthorized materials, such as explosives or firearms, in the workplace
15. Excessive absenteeism or any absence without notice
16. Unauthorized absence from work station during the workday
17. Unauthorized use of telephones, mail system, or other employer-owned equipment
18. Using the actual or apparent authority of the agency for personal gain
19. Knowingly or negligently disclosing confidential information to an individual not authorized to receive it
20. Failure to report any conflict of interest
21. Outside employment or business interests that constitute a conflict of interest

Employment Restrictions for Former Officers or Employees

Effective Date: 10/01/2017

New Requirement

The 85th Legislature enacted legislation prohibiting a former state officer or employee of a state agency who during the period of state service or employment participated on behalf of a state agency in a procurement or contract negotiation involving a person or business entity from accepting employment from that person or entity before the second anniversary of the date on which the contract was signed or the procurement was terminated or withdrawn.

A former member of the TBAE Board Member or Executive Director may not make any communication to or appearance before an officer or employee of the agency until two years after the Board member or Executive Director has served or ceased employment with the agency if the communication or appearance is made with the intent to influence and on behalf of any person in connection with any matter on which the person seeks official action.

A former Executive Director or employee of the TBAE who ceased service or employment on or after January 12, 1992, may not represent any person or receive compensation for services rendered for a particular matter (a specific investigation, application, request for a ruling or determination, rulemaking proceeding, contract, claim, charge, accusation, arrest, or judicial or other proceeding) in which the former office or employee participated during their period of state service or employment.

A former TBAE officer or employee who during the period of state service or employment participated on behalf of the TBAE in a procurement or contract negotiation involving a person or business entity may not accept employment from that person or entity before the second anniversary of the date on which the contract is signed or the procurement is terminated or withdrawn.

Attendance and Punctuality

Effective Date: 09/01/2002
Revision Date: 12/01/2010

Unless otherwise indicated, regular attendance is an essential job requirement of all positions at the TBAE. Employees are required to notify their supervisors and request approval as soon as possible when they find it necessary to be absent from work for any reason.

Because unplanned absences can be disruptive to work, a poor attendance record or excessive tardiness may lead to disciplinary action, up to and including termination of employment.

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Drug and Alcohol Use

Effective Date: 09/01/2002
Revision Date: 12/01/2010

The TBAE seeks to provide a drug-free, healthful, and safe workplace. Employees are expected to report to work on time and in a mental and physical condition that allows job duties to be performed in a satisfactory manner. It is a violation of this policy to report to work under the influence of any controlled substance or alcohol.

While on the TBAE premises or while conducting business-related activities off the TBAE premises, employees may not use, possess, distribute, sell, or be under the influence of alcohol or illegal drugs. The legal use of prescribed drugs on the job may be permitted only if they do not impair an employee's ability to perform the essential functions of the job effectively and safely without endangering others.

The unlawful manufacture, distribution, dispensing, selling, possession or use of a controlled substance or drug paraphernalia on the TBAE premises or while conducting agency business off agency premises is absolutely prohibited. Unlawful drug or alcohol-related conduct includes attempting to or assisting another employee or person in this unlawful conduct. This policy includes illegally using inhalants, illegal drugs, alcoholic beverages, inhalant intoxicants and/or misuse of prescription drugs.

Employees with a substance abuse or dependency problem are strongly encouraged to use the resources provided by the Employee Assistance Program. Any questions related to the policy may be directed to the Human Resources Department with fear of reprisal.

Definitions

Under the Influence

Intoxication or "under the influence" for purposes of this policy is defined as the state of not having the normal use of mental or physical faculties resulting from the voluntary introduction into the body of an alcoholic beverage or controlled substance.

Drug Paraphernalia

Drug paraphernalia is equipment, a product or material that is used or intended for use in concealing an illegal drug or for use in injecting, ingesting, inhaling or otherwise introducing into the human body an illegal drug or controlled substance.

Supervisor Referral to Employee Assistance Program (EAP)

The TBAE recognizes drug dependence as an illness and a major health problem for the individual as well as a potential health, safety, and security problem for the agency. When job impairment has been observed, identified and documented by a supervisor, the supervisor may suggest that the employee participate in the EAP. Any action taken by the supervisor will be based on observations of job performance.

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Self-Referral to EAP

Employees needing assistance in dealing with situations concerning drug abuse and addiction are encouraged to contact the EAP for confidential help for all types of drug or alcohol problems. While self-referral to the EAP is encouraged, it does not preclude the agency's use of disciplinary action.

Criminal Drug Statute

Under the Drug-Free Workplace Act, a state employee must notify the TBAE of a criminal conviction for drug-related activity while conducting official business on or off the TBAE premises. The report must be made in writing within five (5) calendar days of the conviction.

Agency Response

Any supervisor who is informed of an employee being convicted must report the conviction to the Human Resources Department immediately. The Human Resources Department will notify the appropriate federal agency of such conviction. Within 30 days of receiving notice of the conviction, the agency will either:

1. take action against the employee, up to and including termination; or
2. allow the employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency.

Section IX - Disciplinary Action

Effective Date: 09/01/2002

Revision Date: 12/01/2010

Employees must, as a condition of employment, abide by the terms of this policy. Violation of this policy will result in disciplinary action, up to and including immediate termination of employment. Violations of this policy may also result in legal consequences. This policy does not alter the existing legal doctrine of employment at-will which allows the TBAE to terminate employment at any time.

This policy describes the guidelines for administering equitable and consistent discipline for unsatisfactory conduct at the TBAE.

Although the TBAE has adopted counseling and disciplinary action process in this policy to address employee problems, there is no entitlement or right to such processes. Employment is based on mutual consent and both the employee and the TBAE have the right to terminate employment at will, with or without cause or advance notice. The TBAE may use disciplinary action at its discretion in any given situation.

It is in the best interests of the TBAE to ensure fair treatment of all employees and make certain that disciplinary actions are prompt, uniform, and impartial. The TBAE prohibits discrimination against an individual in connection with the terms, conditions or privileges of employment because of race, color, national origin, religion, sex, age, disability, or any other characteristic protected by law.

Reasons for Disciplinary Actions

Disciplinary action may be taken for many reasons. Some, but not all, of these reasons are described below:

1. Inability to perform job duties or failure to meet standards of performance
2. Employee conduct that does not comply with the TBAE policies and procedures
3. Acts of insubordination that involve the refusal to comply with the TBAE policies and procedures, supervisory instructions, or requests related to the performance of assigned job duties or responsibilities
4. Improper, unacceptable, and/or unlawful behavior (While it is impossible to list every type of behavior that may be considered cause for disciplinary action, the Unacceptable Employee Conduct policy includes examples.)
5. Excessive absenteeism or excessive tardiness
6. Unscheduled or unapproved leave

Types of Disciplinary Actions

Disciplinary action may take any or a combination of the forms described below. Other appropriate actions may also be taken depending on the circumstances. The TBAE is an employment at-will agency and no specific disciplinary action is a prerequisite for any other disciplinary action and any employee may be dismissed at any time.

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Verbal Counseling

A supervisor may meet informally with an employee to discuss particular activities or performance issues that are cause for concern. The supervisor may maintain a written history of counseling meetings.

Written Warning

A supervisor may prepare a written statement of an employee's activity or performance that does not meet agency policy or individual job responsibility. The statement generally provides the details of the action or performance at issue and describes the supervisor's expectations for improvement.

A copy of the written warning will be maintained by the supervisor but does not necessarily become part of the employee's official personnel file. Generally, if the issue is resolved promptly and does not happen again, the supervisor will not find it necessary to forward the written warning to the personnel file.

Written Reprimand

A written reprimand is another step a supervisor may take when an employee's actions or performance do not meet agency policy or individual job responsibility. Like a written warning, the written reprimand states the details of the acts or performance at issue and describes the supervisor's expectations for improvement.

A written reprimand, however, is more serious than a written warning. A copy of the written reprimand will be placed in the employee's personnel file along with documentation of any prior written warnings or any counseling meetings.

An employee with a written reprimand on file will be ineligible for merit increases or promotions for twelve (12) months or until the supervisor provides documentation that the issue has been satisfactorily resolved, whichever is sooner.

Suspension without Pay

Suspension without pay is typically put in effect for one to ten working days and pay is docked accordingly. Length of a suspension without pay is dependent upon the gravity of the situation. Suspension may also occur when allegations that require investigation by the agency have been made about an employee's conduct.

Suspension with Pay

Suspension with pay is generally not considered a disciplinary action. It is used to remove the employee from the workplace while an investigation is conducted into allegations of misconduct, poor work performance or to investigate a grievance. Because the employee is suspended with pay, there is no misunderstanding that he or she is being punished prior to any discipline being imposed. While suspended with pay, the employee should, as a minimum, call in daily to the supervisor. As soon as the investigation or inquiry is complete, the employee should immediately return to work.

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Reduction of Pay within a Classification

An employee's salary may be reduced for disciplinary reasons to a lower rate within the employee's current salary schedule. This step is generally used for policy violations, misconduct, or unsatisfactory work performance. If the employee is generally able to perform all the required tasks of the job, s/he is at the correct level within the particular class series and, therefore, the reduction of pay remains within the same class.

Demotion to a Lower Classification

An employee may be demoted to a classification in lower salary group. Demotion to a lower classification is not usually used as a form of discipline for misconduct. Demotion is generally applied when an employee has demonstrated an inability to perform the duties and responsibilities of the current level. The employee is usually demoted to a level where s/he has previously proven to be successful.

Involuntary Termination

Although an employee may be discharged at any time for any reason (other than reasons expressly prohibited by law), termination normally takes place after counseling and/or other progressive discipline steps have been unable to resolve the issue.

Progressive Discipline

Progressive discipline is used to correct employee problems at the earliest stages. Most disciplinary problems will be handled as follows:

1. a first offense may call for informal counseling, a written warning, or a written reprimand;
2. a next offense may be followed by a written warning or a written reprimand;
3. additional offense(s) may lead to a reduction in pay, suspension, or termination of employment

While disciplinary actions may be administered in a progression, a supervisor may choose to begin disciplinary action at any step and/or bypass one or more steps. The TBAE recognizes that there are certain types of employee problems that are serious enough to justify bypassing of lesser disciplinary steps in the progressive discipline process. In extreme cases, such as job abandonment, misappropriation of agency property, or causing injury to another person on agency premises, the offense may be so severe that suspension or termination is immediately warranted, without going through progressive discipline.

Discipline Guidelines

The TBAE believes that the best disciplinary measure is one that corrects a problem early and requires minimal consequence. Supervisors are encouraged to work closely with employees and apply progressive discipline as early as possible. Disciplinary action may, however, begin at any step and there may be circumstances when one or more steps are bypassed. The supervisor should determine the appropriate corrective action(s) by considering:

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1. the severity of the problem,
2. the number of occurrences,
3. the employee's previous work record,
4. the mitigating circumstances surrounding the situation,
5. the fair and consistent treatment of employees in similar circumstances.

Non-Discrimination

The TBAE prohibits discriminatory actions include limiting, segregating, or classifying an employee in a manner that would deprive or tend to deprive an individual of any employment opportunity or adversely affect in any other manner the status of the employee because of race, color, national origin, religion, sex, age, disability, or any other characteristic protected by law. The policies and procedures of the TBAE are designed to ensure that disciplinary actions taken are based on an objective and non-discriminatory evaluation of the circumstances and related to job-related conduct, expectations, or performance standards.

Appeal of Termination Decision

Employees who are terminated involuntarily may appeal that decision in the following way.

1. The employee has three (3) working days from the termination action to prepare an employee response and provide it to the Executive Director.
2. The employee response should be as complete as possible.
3. If the employee believes that the termination is based on improper or illegal reasons, the response should state the factual basis for the belief.

Within four (4) working days of receipt of the employee's appeal, the Executive Director or designee, Human Resources and/or General Counsel, and the supervisor will meet informally with the employee to discuss the merits of the appeal. Within one (1) day of the meeting, the Executive Director or designee will issue the agency's final determination on the termination, and will so inform the employee, both orally and in writing.

Section X – Benefits

Employee Benefits Overview

Effective Date: 09/01/2002
Revision Date: 12/01/2010
Revision Date: 09/01/2015
Revision Date: 10/01/2017

The TBAE provides a wide range of benefit programs to eligible employees. A number of the programs, (such as Social Security, workers' compensation, state disability, and unemployment insurance) cover all employees in the manner prescribed by law. In addition, the Employee's Retirement System of Texas (ERS) administers and oversees a number of valuable benefits to help employees and their families, including retirement, health insurance, deferred compensation, and flexible benefits programs for the State of Texas.

Eligibility for each benefit program depends on a variety of factors, including whether an employee's status is full-time or part-time. For the purposes of benefits provided through ERS, a full-time employee is regularly scheduled to work 30 hours a week. This does not include time off for vacation, sick, holidays, leave without pay or other leave. A part-time employee is regularly scheduled to work less than 30 hours a week.

While some of the benefit programs are fully paid by the TBAE, certain programs are voluntary and employees pay the full cost.

In the event of any discrepancy between this publication and the official documents, contracts, statutes, and administrative rules governing any benefits, those documents, contracts, statutes, and administrative rules will prevail.

Any questions may be directed to the Human Resources Department.

Unemployment Insurance Compensation

Unemployment insurance (UI) is an insurance program paid for by the employers that provides benefits to qualified individuals (referred to as claimants) who are unemployed through no fault of their own. The program provides temporary, partial income replacement to eligible individuals while they are seeking other employment. With few exceptions, state employees are covered by unemployment insurance.

The Texas Workforce Commission is the agency responsible for administering the State's Unemployment Insurance Compensation programs. The TBAE employees should refer to the Commission for additional information regarding unemployment insurance compensation. Information about how to file a claim is available on the Commission's Website at <http://www.texasworkforce.org>.

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Defined Retirement Benefit Plan

The State's retirement plan is a defined benefit plan and offers defined contribution retirement plans to employees. Employees are covered under a defined benefit plan (or traditional pension plan) through the Employees Retirement System (ERS). TBAE employees are covered through ERS. Employees also have the opportunity to contribute to deferred compensation plans such as 401(k) or 457 accounts. These accounts can supplement the current state retirement plan and offer employees the option of choosing how they will invest their money.

Accessing Information

An employee may obtain information pertaining to ERS membership, retirement, including retirement estimates, or other retiree benefits by contacting the ERS directly via the ERS website www.ers.state.tx.us or the ERS toll-free phone number (877-2754377). Retirement booklets, presentation schedules, and other retirement-related information are available on the ERS website. In addition, an employee may obtain information from the Human Resources Department.

ERS Membership/Contributions

The Legislature establishes the State employee retirement contribution rates biennially for various retirement systems and funds; these rates are set in the General Appropriations Act.

An employee's portion of the retirement contribution is deducted each month from the employee's pay and deposited into an employee savings account. The State deposits its portion of the retirement contribution into a State Accumulation Account.

The TBAE deducts the amount of the employee's contribution from the employee's pay. The deduction process requires no employee consent because the employee consents to the automatic deduction when he or she becomes a member of the ERS program.

In addition, during the 2018-2019 biennium, each state agency is required to contribute an amount equal to 0.5 percent of the total base wages and salaries for each benefits-eligible employee of a start agency to the Employees Retirement System's Retirement Program.

Effective ERS Membership Date

The status of an employee on the first day of the month determines the effective date of ERS Membership.

1. A newly-hired employee with no previous ERS membership shall become an ERS member on the first day of employment, and ERS retirement contribution deductions shall begin the first of the month following the calendar day of employment.
2. A rehired employee with previous ERS membership, except for an ERS retiree, shall become an active ERS member if the period of separation included a full calendar month (i.e., from the first calendar day of a month through the last calendar day of a month, inclusive), the employee shall become an active ERS member on the first

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day of reemployment and ERS retirement contribution deductions shall begin the first of the month following the day of reemployment.

3. A rehired employee with previous ERS membership if the employee's period of separation did not include a full calendar month, the employee shall become a regular service ERS member on the employee's first day of reemployment, and ERS retirement contribution deductions shall begin on the employee's first day of reemployment.

Earned Interest on Retirement Accounts

All accounts are credited with five percent interest each fiscal year, as set by law, on the mean balance in the accounts for the year. Interest credited to the employee's account does not affect the amount of the retirement annuity. Accrued interest only benefits those employees who separate employment and withdraw contributions.

Refund of Contributions upon Separation of Employment

An employee may receive a refund of the employee's retirement contributions plus accrued interest after the employee has been separated from employment for a full calendar month and has not returned to state employment. The refund of employee contributions cancels the ERS membership and terminates all rights to benefits. If such an individual returns to state employment, the individual shall become a new ERS member when eligibility requirements are met. To receive a refund, an employee must contact the ERS toll-free number at 877-275-4377. The normal processing time for refunds is 30 to 45 calendar days from the date the employee separated from state employment or requested the refund, whichever occurs later. A separating employee is not required to withdraw retirement contributions; the employee may leave contributions in the employee's account accruing the applicable interest rate. An individual does not have to be an active state employee at the time of retirement to receive an annuity or applicable benefits.

Purchasing Service Credit

An employee may purchase refunded service, military service, service not previously established, or additional service credit (ASC). Information regarding the cost of service credit may be obtained by submitting a request to the ERS by phone, U.S. mail, the ERS website, or via e-mail (bencom@ers.state.tx.us). III. Service Retirement

Service Retirement

Three factors that determine eligibility for service retirement are an employee's age, length of state service credited with the ERS, and type of state service credited with ERS. Each year, ERS provides a Statement of Retirement Benefits to each employee who is a contributing member. This statement is mailed to the employee's home address on file with the ERS following their birthday.

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Other Service Credit Allowed for Service Retirement

An employee may be eligible to combine other service credit with ERS service to qualify for service retirement through the proportionate retirement program or the optional retirement program.

The proportionate retirement program applies to the following participating retirement systems (ERS):

- Judicial Retirement System of Texas Plans I and II
- Teacher Retirement System of Texas
- Texas Municipal Retirement System
- Texas County and District Retirement System
- City of Austin Retirement System
- City of Austin Police Retirement System
- El Paso City Employees' Pension Fund
- El Paso Fireman and Policeman's Pension Fund

Establishing Service Credit

Membership in ERS' regular employee begins on the first day a person is employed or holds office. Employees receive a full month's retirement credit when a retirement contribution is deducted from a paycheck and deposited into ERS. However, service credit toward an employee's eligibility for retirement may be established in other ways. If eligible, these may be:

1. Vacation and sick leave.
2. The transfer of service credit.
3. Purchase of withdrawn service.
4. Purchase of unestablished service.
5. Purchase of waiting period service.
6. Purchase of military service.
7. Purchase of additional service.

Leave Credit

Employees hired prior to September 1, 2009 may convert unused accrued sick and vacation (annual) leave to retirement credit in order to meet length of service retirement eligibility or increase the employee's retirement credit and the amount of the employee's monthly annuity check. The employee's separation and retirement must occur in the same month in order to receive retirement service credit for unused accrued sick and vacation (annual) leave accruals.

Sick Leave Credit - One month of retirement credit shall be granted for each 160-hour increment of unused accrued sick leave or any fraction of 160 hours. Only one minute in excess of the 160-hour increment(s) is necessary to obtain another month of retirement credit. The employee may donate any remaining excess hours to the Sick Leave Pool. (For example: An employee with 325 hours of accrued sick leave shall receive three months retirement credit based on one month for each 160-hour increment plus one month

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retirement credit for one accrued minute over 320 hours. The four excess hours may be donated to the Sick Leave Pool.)

Vacation (Annual) Leave Credit - One month of retirement credit shall be granted for each 160-hour increment of unused accrued vacation (annual) leave or any fraction of 160 hours. An employee is allowed such retirement credit even though the employee receives a lump sum payment for unused accrued vacation (annual) leave.

NOTE: These provisions also apply to former employees who left state service before September 1, 2009, and did not withdraw their retirement account with ERS before being rehired. Employees hire on or after September 1, 2009 and former employees who withdrew their retirement account from ERS may use accrued sick and vacation (annual) leave in order to increase the employees' retirement credit and the amount of the employees' monthly annuity check upon retirement. Such leave may not be used to meet length of service retirement eligibility.

Disability Retirement

If an active employee becomes mentally or physically disabled, the employee may be eligible for disability retirement benefits. One of the qualifications required by the ERS is the employee must have sought and been denied a workplace accommodation from the employing state agency. Therefore, before a TBAE employee applies for disability retirement, the employee shall request a workplace accommodation for a position of comparable pay in accordance with the procedures in Americans with Disabilities Policy. The employee should contact the ERS for complete information regarding this requirement and other requirements for disability retirement.

Partial Lump Sum Option

An employee may be eligible to choose to receive a check for up to 36 months of standard annuity payments as a lump sum at retirement. Once chosen, a payment from one to 36 months of the standard annuity shall be made with the first annuity payment. This payment may be subject to federal withholding taxes if the lump sum is not rolled over to an eligible qualified retirement plan or an Individual Retirement Account (IRA). The standard monthly annuity would then be permanently reduced using established actuarial reduction factors. Selecting the Partial Lump Sum Option shall permanently lower the employee's monthly annuity payments. The actuarial reduction factors determining the reduced standard monthly annuity can be found in the current *Planning Your Retirement* booklet provided by the ERS or on the ERS website <http://www.ers.state.tx.us/Employees/Retirement/PYR-Booklet/>

Retirement Notification

When considering retirement, an employee shall contact ERS at 877-275-4377 and speak with a retirement benefits specialist who will assist with the service retirement or disability retirement process. Employees are encouraged to review the ERS website for important information and updates to the retirement program. The employee shall contact ERS no earlier than 90 days before the employee's expected retirement date. After the employee has decided upon a retirement date with ERS, the employee shall immediately notify the

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Human Resources representative of the employee's pending service or disability retirement.

Upon receipt of a Retirement Acceptance form from ERS, the employee shall sign the forms as instructed, have the form notarized and mail or hand-deliver the completed form and any requested documentation to ERS at least 15 days before the employee's retirement date. This is to ensure the employee receives the first annuity payment timely.

The employee shall decide whether to defer all or part of the lump sum payment of unused vacation or overtime into a Texa\$aver Plan. If the employee does not have a Texa\$aver Plan account, the employee can open one prior to separation from service and defer the lump sum payment.

Human Resources Responsibilities

Human Resources will advise the employee of the following:

1. that even if the employee returns to work as a working retiree within 12 months of retirement, none of the employee's sick leave balance shall be restored.
2. Inform an employee who retires, the employee is not allowed to return to state employment for 90 calendar days
3. If applicable, assist the employee with completion of the Texa\$aver 401(k) and 457 Plans Lump Sum Deferral Enrollment

Death of an Employee

In the event of the death of a Texas Board of Architectural Examiners employee, human resources staff will provide the employee's family members with assistance in understanding available benefits and will coordinate efforts with payroll staff to expedite the processing of any compensation to which the employee's survivors are entitled.

1. As soon as possible after being informed of an employee's death, Human Resources staff must provide email notification of the employee's death to the Finance manager and the payroll accountant.
2. Human Resources staff will complete the Report a Death electronic form available from the Employee's Retirement System of Texas (ERS) website to ensure that ERS is aware of the need to provide the employee's beneficiaries with the information and forms required to receive insurance payments; and
3. Human Resources staff will initiate contact with the employee's family members to:
 - a. Advise them that ERS has been notified of the employee's death and may be contacting them for additional information to process final benefits; and
 - b. Provide information regarding available benefits.
4. If the employee's death is due to a work-related injury or occupational illness, Human Resources staff will provide all necessary information to the State Office of Risk Management.
5. Human Resources staff will determine the total leave hours to be included in the computation of payment; and

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6. Human Resources staff will ensure accurate and timely processing of the final payment of compensation.
 - a. Leave balances may not be used to extend the payroll termination date beyond the date of death.
 - b. The payment of leave balances will be based on the employee's hourly rate of compensation at the time of death, not including longevity duty pay.
 - c. Final compensation will include payment of any overtime balance at the time of employee's death.
7. If the employee had accrued six continuous months of state service at any time during her/his lifetime (determined in the same manner as determining eligibility for use of vacation leave), final compensation will include payment for:
 - a. The balance of the employee's available vacation leave; and
 - b. One-half of the employee's available sick leave, up to 336 hours (does not include sick leave pool hours).
8. If the employee was in an unpaid leave status prior to his/her death, available leave does not include any vacation leave or sick leave hours accrued for a month in which the employee was in an unpaid leave status on the first day of the month and did not return to work during the month.
9. Final compensation will not include payment for:
 - a. Unused sick leave pool hours;
 - b. Administrative leave;
 - c. Holiday leave; or
 - d. State compensatory leave
10. If the employee was normally scheduled to work at least 40 hours a week at the time of his/her death, eight hours will be added to the payable leave balance for every state or national holiday that occurs within the period during which he/she could have used the payable leave hours. The period during which the employee could have used leave is calculated by allocating the payment leave balance over the workdays after the date of death.
 - a. If the employee was normally scheduled to work fewer than 40 hours a week, the number of hours to be added to the employee's payable leave balance for each state or national holiday will be proportionately reduced.
 - b. HR will coordinate distribution of final compensation.
11. HR will complete the exit process as soon as practicable. Once the exit process is complete, HR will:
 - a. Coordinate efforts to collect from the employee's family members any state resources that were assigned to the employee; and
 - b. File the completed exit form in the employee's personnel file.

Health Insurance and Prescription Drug Plan

The TBAE pays the total cost of health premiums for full-time employees, and pays 50% health coverage costs for full-time employees' eligible dependents. For part-time employees, the TBAE pays 50% of health coverage for employees and 25% for eligible dependents. Information regarding plans and premiums may be found on the ERS website at <http://www.ers.state.tx.us/insurance/default.aspx>

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Tricare Military Health System Supplemental Plan

An employee or annuitant and beneficiaries who waive coverage under the basic coverage plan are permitted and are eligible for benefits under the TRICARE Military Health System. The ERS may not contribute to the cost of the supplemental plan, including the premium cost. The ERS will publish rules regarding eligibility for the plan, available insurance products, and enrollment in the plan.

State Kids Insurance Program (SKIP)

SKIP provides an additional contribution over and above the State contribution toward the health insurance premiums for full-time employees' eligible children. Full-time employees may apply and must meet requirements of family size and income. Some employees will pay \$15 per month and others will pay \$25 per month toward the premiums for their eligible children. Employees must re-apply each summer enrollment to avoid a break in the supplement for children's health care premiums. In order to participate an employee:

1. Meet eligibility criteria according to family income and size;
2. Not be eligible for Medicaid;
3. Be a US citizen or legal resident; and
4. Have UGIP-eligible children under the age of 19 living with the employee in Texas.

Dental Insurance

All TBAE employees who are eligible for state insurance plans have access to optional dental insurance. There are two dental insurance plans one non-insurance dental discount plan available to employees with different costs, benefits, service areas, and participating dentists. None of the plans require evidence of insurability. The cost for each plan and other formation can be viewed on the ERS website at www.ers.state.tx.us. An employee must be enrolled in dental coverage in order for dependents to have dental coverage.

Premium Conversion

For income tax savings, insurance premiums other than for dependent life, short and long term disability are deducted from gross pay prior to social security and federal withholding taxes.

Tobacco User Premium Differential

Each participant in a health benefit plan provided under the group benefits program who uses one or more tobacco products will be assessed a monthly tobacco user premium. Employees are responsible for paying the tobacco user premium differential.

Information on cessation programs and monthly premium differentials is available on the ERS Website at <http://www.ers.texas.gov>.

TexFlex Reimbursement Accounts

For income tax savings, an employee may elect to have amounts deducted from the employee's gross pay prior to social security and federal withholding taxes. TexFlex

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elections will automatically renew each September 1st unless election is revised during Summer Enrollment.

Health Care Reimbursement Account

The HCRA allows an employee to use before-tax dollars to pay medical, dental, vision and hearing care expenses not paid by the benefit plan for the employee and eligible dependents. An employee can save on such eligible health care expenses as eyeglasses, contact lenses, braces, physician and dental visit expenses, prescription drugs, deductibles, and co-payments.

Dependent Care Reimbursement Account

A DCRA can be used to save money on a child's daycare or after-school care (until age 13) or dependent care for an adult family member. A DCRA usually will save more in taxes than the Child Care Tax Credit; however, it depends on an employee's income.

Direct Deposit

The electronic funds transfer system allows an employee to have their monthly salary transferred directly to their financial institution.

Texa\$aver Deferred Compensation Programs

An employee can enroll at any time in Texa\$aver, which offers two voluntary retirement plans: the 401(k) Plan and the 457 Plan. With both the 401(k) and 457 Plans, an employee can set aside a portion of each month's paycheck before income taxes and save through a wide range of investment choices. Contributions and earnings in Texa\$aver are not taxed until they are withdrawn, usually at retirement.

Each plan has an affordable minimum deferral amount. Employees should look carefully at the different opportunities and advantages of each plan. For more information, log on to the Texa\$aver website at www.texasaver.com

An employee who begins state employment on or after January 1, 2008, automatically participates in a 401(k) plan unless the employee elects not to participate in the plan. The contribution is made by automatic payroll deduction and represents one percent of an employee's pay. Unless otherwise directed by the employee, this contribution is placed in a default investment product selected by the board of trustees for ERS

Employee Life and Disability Insurance

TBAE employees have the option of enrolling in various life and disability insurance plans. New employees (within the first 31 days on the job) may sign up for most of these benefits without evidence of insurability. Current employees may have to provide additional information prior to participating in these plans.

The TBAE pays the total premium costs for basic term life insurance of \$5,000 term life with \$5,000 of Accidental Death and Dismemberment (AD&D) coverage, effective the first of the

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month following the 90th day of employment. The basic plan provides coverage for employees only; it does not include coverage for employees' eligible dependents.

Accelerated Payment of Life Insurance Benefits

The board of trustees of the Employees Retirement System of Texas may adopt rules to pay accelerated life insurance benefits to terminally ill, terminally injured, or permanently disabled participants including an annuitant participating in optional term life insurance in amounts that benefit the participant without increasing the cost of providing the benefits. The amount of any payment will be deducted from the amount of the death benefit.

Optional Term Life

An employee may apply for additional term life insurance. During an employee's first 31 days of employment, the employee may enroll in a term life policy at one or two times the employee's annual salary. This is the only time that an employee can enroll without going through the Evidence of Insurability (EOI) process. For a term life policy at three or four times an employee's annual salary, EOI is required, regardless of when application is made.

Voluntary Accidental Death & Dismemberment (AD&D)

Voluntary Accidental Death and Dismemberment (AD&D) coverage is available as employee only or employee and family. The coverage provides a benefit in the event of certain accidental injuries or accidental death. No Evidence of Insurability is needed for this coverage. Employees may select the coverage amount from \$5,000.00 to \$200,000.00.

Dependent Life

For a minimal monthly premium, an employee can enroll eligible dependents in Term Life Insurance. The benefit includes \$5,000 term life with \$5,000 AD&D for each family member. The benefit will be paid to the employee upon the death of the covered dependents or in the event of certain accidental injuries. An employee may elect this coverage during the first 31 days of employment without going through the Evidence of Insurability (EOI) process.

Texas Income Protection Plan (TIPP)

Short-term and Long-term disability income insurance provides up to 60% of an employee's insured monthly salary (not to exceed \$10,000) if the employee becomes disabled and is unable to work. This coverage is available for employees only, not dependents. Evidence of Insurability (EOI) is not required to enroll during the first 31 days of employment. After the first 31 days of employment, the EOI process with FDL is required to enroll in either or both coverage plans.

Short Term Disability Insurance:

The benefit will be up to 66% of an employee's insured monthly salary (maximum \$10,000) or \$6,600, whichever is less. For example, if the monthly salary is \$3,200, the benefit would provide an employee up to \$2,112 per

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month while unable to work. The benefit will be less if an employee is receiving worker's compensation, disability retirement, or other disability benefits. It will always be at least 10% of the insured salary.

Benefits are paid to the employee for up to five months after the employee has been certified as totally disabled by an approved practitioner, exhausted all sick leave, extended sick leave, sick leave pool, or completed the waiting period of 30 consecutive days, whichever is greater. Benefits must be approved by Dearborn National, which administers disability insurance for ERS. Benefits end upon return to work.

Long Term Disability Insurance:

The benefit will be up to 60% of an employee's insured monthly salary (maximum \$10,000) or \$6,000, whichever is less. For example, if the employee's monthly salary is \$3,200, the benefit would provide an employee with up to \$1,920 per month while unable to work. The benefit is paid after an employee has been certified as totally disabled by an approved practitioner and exhausted all sick leave, extended sick leave, sick leave pool, or completed the waiting period of 90 consecutive days, whichever is greater.

Benefits must be approved by the provider, which administers disability insurance for ERS. An employee's benefit will be reduced if receiving Social Security disability, worker's compensation, disability retirement, or other group disability benefits. It will always be at least 10% of insured salary.

Wellness Program

Effective Date: 04/01/2008

Revised Date: 01/10/2011

Overview

The TBAE Wellness Program is designed to promote the health and well-being of its employees. The goal of the program is to enhance employee morale, increase work productivity, decrease absenteeism, and promote fitness.

The program includes time-off to exercise for 30 minutes three times a week, on-site wellness presentations, and eight hours of additional leave time (wellness leave) each fiscal year to each employee who receives a physical and completes the Blue Cross Blue Shield/Texas Health Select BCBS Health Risk Assessment or similar health risk assessment.

Eligibility

All employees are encouraged to take part in the wellness program, although participation is strictly voluntary. The TBAE does not require medical approval to participate; however, employees are encouraged to get the approval of their physician before beginning any new exercise regimen.

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Employees who wish to participate in wellness activities must complete the Release of Liability form. Release forms will be maintained by the Wellness Coordinator.

The agency may grant incentives or rewards to employees who participate in wellness activities. The agency will make reasonable accommodations for individuals as needed in order to participate.

Wellness Coordinator and Wellness Committee

The Human Resources Department will serve as the agency Wellness Coordinator. The Wellness Coordinator will be responsible for coordinating and implementing wellness activities that are suggested by the employees and the Wellness Committee. The Wellness Coordinator will also serve as the liaison between the agency and the statewide wellness coordinator.

The agency will have a Wellness Committee that will meet at least quarterly to suggest changes to policy, activities to support the program and to help promote the wellness program. The committee may be made up of the Wellness Coordinator, one manager and two staff members. The committee will propose activities and seek the Executive Director's approval before implementing any activities.

Time Off to Exercise

Texas Government Code §664.061(1), gives THE TBAE the authority to grant 30 minutes to exercise - three times a week - during normal working hours. Employees are not required to make up this time or use leave.

Employees have the option to use their wellness time as follows:

1. Exercise time may be used in conjunction with the employee's lunch break.
2. Exercise time may be used in 15 minute increments in conjunction with the employee's convenience break.
3. Employees may elect to participate in a structured exercise program led by a THE TBAE wellness committee member three times per week. Time and location will be determined by the committee member.
4. Exercise time is not cumulative and may not be carried forward or saved for use the next week.

Employees who are interested in using time to exercise must work with their supervisor to develop a schedule for exercise. The supervisor should make every effort to accommodate the employee's request; however, the supervisor will need to ensure that there is adequate coverage in the department. Once a schedule has been agreed upon, it should be documented in writing. The supervisor will approve the schedule and forward the original to the Wellness Coordinator and a copy to the employee. The employee should ensure that the schedule is adhered to as much as possible to ensure minimal disruption to the department. Changes to the schedule are to be approved before a change is made.

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While the agency encourages employees to adhere to the exercise schedule, there will be situations when it will not be possible for the employee to use exercise time on a particular day.

It is the employee's responsibility to record when the time is used and how it was used. An exercise log should be turned in to the supervisor at the end of each month with the Monthly Time Sheet.

Wellness Presentations

The TBAE will arrange wellness presentations each fiscal year. The presentations will be planned and coordinated by the Wellness Committee and focus on the health benefits of diet, exercise, stress management or any other wellness related topic. Presenters will be selected from various state, local, or federal agencies, hospitals or other health care organizations. Presenters must have expertise in their particular health or fitness area.

Wellness Leave

As part of this Wellness Program, employees are encouraged to receive an annual physical examination from their physician and complete the on-line health risk assessment offered by Blue Cross and Blue Shield or a similar health risk assessment approved by the Wellness Coordinator.

Employees who complete a physical and the health risk assessment are eligible to receive eight (8) hours of wellness leave each fiscal year. Employees are required to complete a TBAE Leave Request Form to request this leave.

Wellness leave may be requested as soon as the requirements are met and used later. Employees must use their eight (8) hours of wellness leave within 12 months.

Funding for Activities and Programs

The Executive Director may provide funds each fiscal year for wellness activities. The Executive Director may also make conference rooms available for wellness activities when not in use for agency business.

Procedures

In order to obtain Wellness Leave, Employees shall:

1. Complete an annual physical.
2. Complete an approved on-line health risk assessment.
3. Complete the Request for Wellness Leave and obtain certifications from their physician and the Wellness Coordinator. The forms should be submitted to the supervisor.
4. The supervisor will sign the form and forward to the Executive Director for signature approval.

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5. The form will be returned to the employee with a copy to the supervisor, the Wellness Coordinator and the agency timekeeper.

Awards and Gifts

Effective Date: 05/01/2010
Revision Date: 10/01/2017

Outstanding Recognition

Awards shall be presented to employees of the TBAE who perform outstanding service or professional achievement. In addition, the Executive Director may grant administrative leave for outstanding service.

Examples of outstanding service would include:

1. Outstanding performance on a special project or unique circumstance;
2. Contributing to a more efficient or economical operation of the division;
3. Improvements to the workplace

The cost for each award may not exceed \$100.00. The agency has established that these awards will be presented as gift cards and may be awarded in \$25.00 increments. Since there's no limit on the number of awards an employee may receive during a fiscal year; however, no award may exceed the \$100.00 limit.

Administrative leave with pay may be granted the Executive Director as a reward for outstanding performance. This performance should be documented by the TBAE. The total amount of leave granted may not exceed 32 hours per employee during a fiscal year.

Service Awards

The TBAE recognizes that employee longevity is vital to the agency. The agency will recognize employees' service on milestone anniversaries.

Human Resources will be responsible for monitoring employee service time and notifying the Executive Director of upcoming anniversary dates.

Awards will be presented as follows:

1 year	Certificate of Appreciation
3 years	Certificate and \$25.00 gift card
5 years	Certificate and \$50.00 gift card
10 years	Certificate and \$50.00 gift card and four (4) hours of administrative leave
15 years	Certificate and \$75.00 gift card and four (4) hours of administrative leave
20 years	Certificate and \$100.00 gift card and eight (8) hours of administrative leave
25 years	Certificate and \$100.00 gift card and eight (8) hours of administrative leave

Service awards for 30, 35, and 40 years of service will be the same as the 25 year award.

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Memberships in an Dues for Professional Organizations

With the exception of a state library, a state agency may not use appropriated money to pay for membership in or dues for a professional organization unless the Executive Director reviews and approves the expenditure.

Workers' Compensation Insurance

Effective Date: 09/01/2002
Revision Date: 12/01/2010
Revision Date: 10/01/2017

The TBAE strives to provide a safe and healthy environment in which to work and conduct business. Despite our accident prevention measures, we recognize that accidents and injuries may still occur in the workplace. When job-related injuries or illnesses do occur, the TBAE provides workers' compensation benefits to employees who incur compensable injuries or illnesses in the course and scope of performing their jobs.

Workers' compensation is a form of insurance that provides income benefits, medical treatment, and other benefits to TBAE employees who are injured on the job or acquire an occupational disease on the job. Coverage is effective from the start of employment and the coverage includes medical benefits and, for extended absences due to work-related illness or injury, income benefits.

TBAE employees with compensable injuries (injuries arising out of and in the course and scope of employment for which compensation is payable) are entitled to compensation by the State Office of Risk Management (SORM). However, the Department of Insurance, Division of Workers' Compensation adjudicates income and medical benefit disputes for the State. Upon receipt of a report of injury, the Department of Insurance contacts the affected employee to provide information on the benefit process and the compensation procedures established by state law.

The TBAE is covered under Texas Labor Code, Chapter 501, and must report to the SORM an injury resulting in medical expenses or the absence of an employee of the agency for one day. In addition, the TBAE must notify SORM of an occupational disease reported by an employee. The initial report of injury must not be made later than the eighth day after the employee's absence from work for more than one day due to an injury; or the day on which the TBAE receives notice that the employee has contracted an occupational disease. Therefore, it is critical that an employee inform the supervisor immediately about any work-related injury or illness, regardless of how minor it might appear at the time. Immediate reporting ensures that, if eligible, an employee will qualify for workers' compensation benefits as quickly as possible and allow the worker's compensation coordinator to investigate the matter promptly. Failure to notify the TBAE of a work-related injury or illness may relieve the agency of liability of the claim.

The following list is a summary of responsibilities for the TBAE that are covered by these provisions:

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1. **Send timely notices, reports, and information** – The TBAE is required to give notices, make reports, and otherwise transmit information to SORM and to the Department of Insurance, Division of Workers' Compensation concerning on-the-job injuries and occupational diseases or illnesses in a timely manner.
2. **Designate a claims coordinator** – The Human Resources Program Specialist is the designated Claims Coordinator for TBAE.
3. **Comply with rules** – The TBAE must comply with all rules enacted by SORM, as well as those of TDI. The TBAE will not deviate from the guidelines, or instructions provided by these oversight agencies. TBAE is subject to administrative penalties for violations of the Act that may be assessed by TDI's Compliance and Practices Division.
4. **Keep adequate records** – The TBAE makes a record of all injuries sustained by employees in the course of employment.
5. **Immediately notify SORM if an injury is severe or fatal** – The TBAE will immediately notify SORM by telephone if an injury is severe or results in death, in addition to filing the required first report of injury.
6. **Post required notices** – The TBAE will post notices for workers' compensation insurance coverage in the workplace. The TBAE will also post notice in the workplace to inform employees about requirements that may affect qualifying for workers' compensation benefits following a work-related exposure to the human immunodeficiency virus (HIV).
7. **Notify employees about the State's ombudsman program** – The TBAE informs employees of the Office of Injured Employee Counsel's Ombudsman program.
8. **Develop health and safety programs and return-to-work programs** – The TBAE has programs in place to promote the health and safety of its employees and to assist injured employees with returning to work and to comply with SORM guidelines. Return-to-work programs are a coordinated effort involving the Department of Insurance's Division of Workers' Compensation, TBAE employees and health care providers.
9. **Notify employees of health care network requirements** – The TBAE provides employees with a notice of health care network requirements; obtain a signed acknowledgement from each employee; post a notice of the healthcare network requirements; and notify injured employees of the network requirements at the time of injury.

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FMLA and Worker's Compensation

Employees who are absent due to a workers' compensation injury or illness will have that time counted against their Family and Medical Leave (FMLA) entitlement period where applicable.

Non-Discrimination

An employee of the TBAE may not be dismissed or in any other manner be retaliated against because the employee has:

1. filed a workers' compensation claim in good faith;
2. hired a lawyer to represent the employee in a claim;
3. filed or caused to be filed in good faith a proceeding under the Texas Workers' Compensation Act; or
4. testified or is about to testify in a proceeding under the Texas Workers' Compensation Act.

Workers' Compensation and State Leave Provisions

A TBAE employee may elect to use accrued sick leave prior to receiving workers' compensation income benefits. If the employee makes the election to use accrued sick leave, the employee must exhaust all accrued sick leave before the employee is entitled to use income benefits.

After exhausting sick leave, the employee may also use accrued vacation leave. If making this choice, the employee may elect to use all or any number of weeks of vacation leave. The amount of vacation leave the employee elects to use must be exhausted before the employee is entitled to receive income benefits.

Workers Compensation and Emergency Leave

The Executive Director may authorize emergency leave with pay to an employee receiving workers' compensation benefits. The emergency leave payment may not exceed an amount equal to the difference between the basic monthly wage of the employee and the amount of income benefits that the employee received for the month. Emergency leave payments may not extend beyond six months. If emergency leave is authorized, the TBAE will attach a statement of the reasons for the authorization to its payroll voucher for the first payroll period affected by the leave.

Employer's Rights

As an employer of record, the TBAE is entitled to certain rights under the Texas Workers' Compensation Act. These rights include:

1. The right to be present at all administrative proceedings relating to an employee's claim.
2. The right to present relevant evidence relating to an employee's claim at any proceeding.
3. The right to report suspected fraud.

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4. The right to contest the compensability of an injury if the insurance carrier accepts liability for the payment of benefits.
5. The right to receive notice, after making a written request to the insurance carrier, of:
 - a. A proposal to settle a claim; or
 - b. An administrative or judicial proceeding relating to the resolution of a claim.
6. The right to contest the failure of the insurance carrier to provide accident prevention services.

Employee's Responsibilities

An employee or a person representing the employee should notify the employer as soon as possible no later than 30 days after an injury occurred, or if the injury is an occupational disease, the employee should notify the TBAE as soon as the employee knows that the injury or injurious exposure might be related to the employment. Failure to notify the TBAE may relieve the TBAE of any liability in the matter unless the TBAE has actual knowledge of the injury, the Department of Insurance, Division of Workers' Compensation determines that good cause exists for failure to provide notice in a timely manner, or the TBAE or its insurance carrier does not contest the claim.

Claims for compensation must normally be filed within one year from the date of injury, or if the injury is an occupational disease, a claim must be filed within one year from the date the employee knew or should have known that the disease was related to the TBAE's employee's employment. Failure to file a claim for compensation with TDI as required by statute relieves the TBAE and the TBAE's insurance carrier of liability unless good cause exists for failure to file a claim in a timely manner or the TBAE or the TBAE's insurance carrier does not contest the claim.

Claims for death benefits generally must be filed within one year of the employee's death. Failure to file within the required period bars the claim unless the person is a minor incompetent, or if good cause exists for the failure to file. Separate claims must be filed for each beneficiary unless the claim expressly includes other parties.

Workers Compensation Return to Work Program

Effective Date: 09/01/2002
Revision Date: 12/01/2010

The TBAE may be able to provide employees injured on the job the ability to return to work under the Return-to-Work program. This Return-to-Work policy only applies to employees receiving workers' compensation benefits.

When an employee is on a prolonged absence due to an on-the-job injury, the employee is expected to maintain close communication and cooperation with the supervisor and the Human Resources Department. The supervisor or the Human Resources Department will provide the treating medical doctor with information about the employee's regular job duties

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so that the doctor can make an informed decision regarding the employee's medical condition and ability to return to full duty status.

If an employee is not physically capable of returning to full duty, the return to work program provides opportunities, when available, for the employee to perform a temporary assignment in which the employee's regular position is modified to accommodate the employee's physical capacities, or to perform an alternate duty position.

Definitions

Full Duty

Full duty is defined as the performance of all duties and tasks (including essential and non-essential functions) of the position or for which the employee is employed. An employee who sustains a compensable injury or occupational illness will be encouraged to return to full duty in his or her job. The employee is responsible for making every reasonable effort to return to regular, full duty at the earliest possible date.

Transitional Duty

In situations where full duty status is not immediately practical or possible, the Human Resources Department will be responsible for coordinating the arrangement of transitional duty (limited duty or alternate duty) assignments for injured employees. All divisions and units of the agency will cooperate in identifying potential alternate duties that can be provided to injured employees.

When transitional duty can be arranged, the employee is to be provided with a written offer or statement of availability of such limited or alternate duty. The offer or statement will indicate the rate of pay, conditions of work and limitations and restrictions specified by the treating doctor.

Duty to Report to Work

If a doctor authorizes an employee to return to work on full duty or in a transitional duty assignment, the employee is expected to promptly report to work at the next regularly scheduled time. Failure to timely report to work will cause the employee to be considered absent without authorization and the employee will be subject to appropriate disciplinary measures, up to and including termination. Failure to timely report to work may also result in termination of workers' compensation income benefits, in accordance with the Texas Workers' Compensation Act.

Period of Recuperation

The recuperation period may include intermittent periods of no duty and transitional duty assignments. However, the cumulative total amount of no duty and/or transitional duty is not to exceed twelve (12) months.

If the injured employee is unable to return to full duty within the period of recuperation, other available leave options may be explored in addition to the employee's future employment status with the TBAE.

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ADA

An employee who sustains an on-the-job injury or illness resulting in a disability as defined by the Americans with Disabilities Act (ADA) should refer to the ADA provisions of this manual. Nothing in this Return-to-Work policy is to be construed to apply to persons with disabilities under the ADA, or construed to be a provision of reasonable accommodation as defined by the ADA.

Employee Assistance Program

Effective Date: 12/01/2010

Employees of the TBAE and their families may receive free and/or low cost confidential professional counseling and information on financial and legal matters for a variety of personal, financial, or legal problems.

Confidentiality for participants in the EAP is guaranteed by law. The program will not reveal to others, including agency management, the diagnosis or particular problems, nor will such information be allowed to become part of the agency personnel records.

Employees may contact the EAP by calling the numbers listed below:

Toll Free	(800) 343-3822
TDD	(800) 448-1823
Toll Free Teen Helpline	(800) 334-TEEN (8336)

The website address is www.alliancewp.com

For further information concerning the Employee Assistance Program, contact the Human Resources Department.

Section XI – General Leave Provisions

Effective Date: 12/01/2010

Revision Date: 10/01/2017

New Requirement

The 85th Legislature enacted legislation requiring state agencies and institutions of higher education to adopt a policy governing leave for employees under Texas Government Code, Chapter 661. The policy must provide guidelines to establish under what circumstances an employee may be entitled to, or granted, each type of leave provided by Texas Government Code, Chapter 661. The policy must be posted on the state agency's Web site in a location easily accessible by its employees and the public.

Before requesting leave, employees should ensure that they have adequate leave balances, and that their absence will not interfere with the performance of their job duties. ***It is highly encouraged that employees maintain leave balances to handle unexpected or catastrophic occurrences.***

Supervisor Discretion

Leave approval is not automatic. While every attempt is made to accommodate employees leave requests, supervisors have the authority and responsibility to use their discretion to ensure that adequate staff remains on duty to perform the work of the agency. When advance approval is not possible, the employee will notify the supervisor as soon as possible of the dates and reasons for the absence. Unless extenuating circumstances exist, employees are expected to notify their supervisors of absences no later than one hour after their scheduled starting time.

Leave Records

The TBAE keeps a record of time and attendance for each employee. Such records include:

1. The accrual and use of vacation and sick leave.
2. The reason an employee takes leave if the law requires the employee to inform the agency of the reason.
3. Whether any leave taken is accounted for as sick leave, vacation leave, other paid leave, leave without pay, or other absence.

Leave Reporting

The TBAE subject to the Texas Government Code, Section 2101.036(d), uses the uniform system adopted by the Office of the Comptroller of Public Accounts (Comptroller's Office) to report leave taken by employees.

Reporting of Emergency Leave and Leave During an Investigation

New Requirement

The 85th Legislature enacted legislation allowing an agency's administrative head to grant leave without a deduction in salary to an employee who is (1) the subject of an investigation being conducted by the agency or (2) a victim of, or witness to, an act or event that is the subject of an investigation being conducted by the agency. A state employee who is the subject of an investigation being conducted by the agency is ineligible to receive leave for that reason under any other provision of Texas Government Code, Chapter 661.

The Executive Director may grant leave without a deduction in salary to an employee who is:

1. The subject of an investigation being conducted by the agency, or
2. A victim of, or witness to, an act or event that is the subject of an investigation being conducted by the agency.

A state employee who is the subject of an investigation being conducted by the agency is ineligible to receive leave for that reason under any other provision of Texas Government Code, Chapter 661.

State agencies have certain reporting requirements concerning the granting of emergency leave and leave during an agency investigation. Specifically:

1. No later than October 1 of each year, state agencies are required to report the following information to the Comptroller's Office for each employee who is granted more than 32 hours of emergency leave during the previous fiscal year; (1) the employee's name and position, (2) the reason for which the employee was granted the emergency leave, and (3) the total number of hours of emergency leave granted to the employee.
2. No later than the last day of each fiscal year quarter, state agencies that grant 168 hours or more of leave to an employee who is the subject of an investigation being conducted by the agency are required to report to the Legislative Budget Board and State Auditor's Office (1) the name of the employee and (2) a brief statement as to the reason that the employee was granted the leave.

Vacation Leave

Effective Date: 09/01/2002
Revision Date: 12/01/2010
Revision Date: 10/01/2017

TBAE employees are entitled to paid vacation leave (also referred to as annual leave) each year.

Annual leave is a benefit to agency employees that allows for an absence from work with

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pay and can be used for periodic vacations or any other purpose as determined by the employee

Eligibility

All employees are eligible for paid annual leave. Full-time employees accrue annual leave and may carry over annual leave from one fiscal year to the next in accordance with the following schedule. Part-time employees accrue annual leave and may carry over the maximum hours on a proportionate basis for time worked.

Schedule of Annual Leave Accruals for Full-time Employees			
Months of Total State Service*	Hours Accrued per Month	Days Accrued per Year	Maximum Carryover Hours
Less than 2 years	8	12.0	180
At least 2 but less than 5 years	9	13.5	244
At least 5 but less than 10 years	10	15.0	268
At least 10 but less than 15 years	11	16.5	292
At least 15 but less than 20 years	13	19.5	340
At least 20 but less than 25 years	15	22.5	388
At least 25 but less than 30 years	17	25.5	436
At least 30 but less than 35 years	19	28.5	484
At least 35 years or more	21	31.5	532
* For purposes of computing annual leave accrual rate for an employee who retired from state employment on or after June 1, 2005, and returned to state employment, months of state service include only the months of state service accrued after retirement.			

Figure 2 - Annual Leave Accruals

Vacation Leave Accruals and Utilization

Agency employees accrue annual leave at the applicable rate beginning on the first day of state employment and ending on the employee's last physical day at work. Agency employees accrue one month's annual leave for each month or fraction of a month of employment. Annual accruals are posted on the first day of employment and on the first calendar day of each succeeding month of state employment.

Agency employees who begin work on the first workday of the month are considered to have begun working on the first calendar day of the month for the purpose of increases in annual leave accrual rates. Employees who begin employment on a date other than the first calendar day or workday of the month begin to accrue annual leave at the higher accrual rate on the first calendar day of the month following their anniversary date.

All hours in excess of the maximum allowable carryover hours at the end of the fiscal year will be credited to an agency employee's sick leave balance. If an employee with accrued annual leave in excess of the allowable carry over time submits a written request for permission to use the accrued time not later than the 90th day before the date on which

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the time will lapse, the employee's supervisor shall approve the request in writing or shall provide the employee with an alternate date on which the accrued time may be used.

Agency employees on paid leave on the first workday of a calendar month will not be able to use the annual leave accrual for the month until the employee physically returns to work. Agency employees on leave without pay (LWOP) for a full calendar month will not accrue annual leave for the month.

Requirements

The TBAE employees may not use annual leave until they have six months of continuous employment with the state, although employees do accrue annual leave during the six-month period. If an agency employee is on LWOP for a full calendar month, the LWOP will not count toward fulfilling the six-month requirement, but will not cause the period of continuous employment to start over. Agency employees will only be required to satisfy the six month of continuous service only once during their state employment. Employees who have completed the six months of continuous employment with another state agency or university are eligible for annual leave immediately upon employment with the TBAE.

Requesting Vacation Time

The TBAE employees should make requests for annual leave in writing to his or her supervisor. Leave requests are reviewed by the supervisor to ensure staffing requirements are met. A supervisor may deny the annual leave request if staffing requirements cannot be met.

An employee should notify the supervisor at least four weeks in advance for requests of 40 hours or more. Requests for 80 hours or more should be requested at least eight weeks in advance. Other requests should be made at least 24 hours in advance; however, an emergency may exist where this may not be possible. In that case, the employee must notify the supervisor as soon as possible.

If an employee takes leave time before it is approved, it is considered an unauthorized absence and may subject the employee to disciplinary action, up to and including termination.

In computing annual leave taken by an employee, absences due to holidays are not charged.

Vacation Leave and Employee Transfers and Separations

Employees who transfer directly from one state agency to another will have their vacation leave balances transferred.

If an employee separates from a state agency and is re-employed within 30 calendar days by another state agency to a position that accrues vacation leave, his or her vacation leave balance will transfer to the new agency.

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Separation includes, but is not limited to, (1) leaving one state agency to work for another, provided at least one workday passes between those employments and (2) moving from a position in a state agency that accrues vacation leave to a position within the state agency that does not accrue vacation leave if the agency agrees to pay for the employee's accrued balance of vacation leave.

State agency employees, who have accrued six months of continuous state employment, are entitled to be paid for the accrued balance of the employee's vacation leave as of the date of separation, if the employee is not reemployed by a state agency in a position which accrues vacation leave during the 30-day period immediately following the date of separation from state employment. The six months of continuous state employment may have been accrued at any time during the employee's lifetime, which means that it may have been accrued during a previous period of employment and not during the employment from which the employee is currently separating.

A TBAE terminating employee may, with the approval of the Executive Director, remain on the payroll after separation to use accrued vacation leave rather than receive a lump-sum payment. No additional accruals will be made during this period. The employee may not use sick leave or accrue sick leave or vacation leave while exhausting vacation leave. However, an employee allowed to remain on the TBAE payroll is entitled to continue to receive all compensation and benefits that the employee was receiving on the employee's last day of duty.

Upon separation, lump-sum payments for accrued but unused vacation leave will include payment for any holidays that the employee would have observed had he or she remained on the payroll. Eight hours per holiday will be added for employees who are normally scheduled to work 40 hours per week. Employees who are normally scheduled to work less than 40 hours per week will receive a proportionate payment. An employee moving to a position in a state agency that does not accrue vacation leave is not entitled to added time for holidays that fall within the accrual period. In no case is the employee entitled to receive longevity or hazardous duty pay for the accrual period.

An employee who is restored to state employment following military service is entitled to have his or her vacation leave balance restored.

Vacation Leave Accruals and Retirees

Vacation leave accruals for return-to-work retirees are based on retirement and rehire dates. An employee returning to state employment who retired from state employment on or after June 1, 2005, and who receives a state retirement annuity, accrues vacation leave based only on the employee's length of service earned after the employee's retirement date. Otherwise, the return-to-work retiree accrues vacation leave based on total state service.

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Sick Leave Benefits

Effective Date: 09/01/2002
Revision Date: 12/01/2010
Revision Date: 10/01/2017

Sick leave is a benefit to agency employees that allows for an absence from work with pay and can be used when an employee is prevented from performing his or her job due to sickness, injury, pregnancy, or confinement.

Eligibility

All agency employees are eligible for paid sick leave. Full-time employees earn eight hours of sick leave per month. Part-time employees accrue sick leave on a proportional basis. Eligible employees earn sick leave beginning on the first day of state employment and on the first calendar day of each succeeding month of state employment. Accumulation of sick leave is unlimited. To be eligible to use accumulated sick leave for a continuous period of more than three working days, an employee must provide a doctor's statement or an acceptable written statement of facts regarding the nature of the illness. An employee who is on leave on the first day of the month may not use the sick leave that the employee accrues for that month until after the employee physically returns to duty. Negative balances of sick leave cannot be carried forward from one month to the next.

Requirements:

Sick leave with pay may be taken when an employee is prevented from performing duties due to sickness, injury, pregnancy, or confinement or when an employee needs to care for a member of his or her immediate family who is ill. Immediate family is defined as those individuals who reside in the same household and are related by kinship, adoption, or marriage; foster children certified by the Department of Family and Protective Services; and a minor child of the employee, regardless of whether the child lives in the same household. Sick leave also may be taken to care for members of an employee's family who do not reside in the same household if the time taken is necessary to provide care to a spouse, child, or parent of the employee who needs such care as a direct result of a documented medical condition.

Sick Leave for Educational Activities

A TBAE employee may use up to eight hours of sick leave each fiscal year to attend educational activities of the employee's children who are in pre-kindergarten through 12th grade. The employee must give reasonable notice of his or her intention to use this leave. Educational activities are school-sponsored activities, including parent-teacher conferences, tutoring, volunteer programs, field trips, classroom programs, school committee meetings, academic competitions, and athletic, music, or theater programs.

Part-time employees receive this leave on a proportionate basis.

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An employee on annual leave who would otherwise be entitled to sick leave can request to use sick leave in lieu of annual leave. An employee who uses sick leave should notify the employee's supervisor at the earliest practicable time.

Employees, who are out on sick leave for more than three (3) days, must provide a physician's excuse.

Medical and Mental Health Care Leave for Certain Veterans

A TBAE employee who is a veteran, as defined by Texas Government Code, Section 434.023(a), and who is eligible for health benefits under a program administered by the Veterans Health Administration of the U.S. Department of Veterans Affairs, may be granted leave without a deduction in salary or loss of vacation and sick leave, earned overtime, or state compensatory time, to obtain medical or mental health care (including physical rehabilitation) administered by the Veterans Health Administration of the U.S. Department of Veterans Affairs. Leave granted for this reason may not exceed 15 days each fiscal year unless the Executive Director determines that additional days of this leave is appropriate for the TBAE employee.

New Requirement

The 85th Legislature enacted legislation allowing state agencies to grant leave to certain employees who are veterans, without a deduction in salary or loss of vacation and sick leave, overtime, and state compensatory time, to obtain medical and mental health care (including physical rehabilitation) administered by the Veterans Health Administration of the U.S. Department of Veterans Affairs. Leave granted for this reason may not exceed 15 days each fiscal year unless the Executive Director determines that additional days of this leave is appropriate for the employee.

Sick Leave and Employee Transfer, Restoration, or Payment of Sick Leave

An employee who transfers directly from one state agency to another will have his or her sick leave balance transferred, provided the employment is uninterrupted. An employee who is laid off under a formal reduction in force will have his or her sick leave balance restored if the employee is re-employed with the State within 12 months.

An employee who separates employment with the State and returns to the same agency within 12 months must have at least a 30-calendar-day break in state employment before his or her sick leave is restored. An employee who separates employment with the State and returns to a different state agency within 12 months will have his or her sick leave restored.

Employees are not paid for unused sick leave upon termination. In the event of an employee's death, the agency will pay the employee's estate one-half of the employee's accumulated sick leave or 336 hours of sick leave, whichever is less.

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Extended Sick Leave

Effective Date: 09/01/2002
Revision Date: 12/01/2010

Extended sick leave is a benefit to employees with an illness or injury, or who need to care for a family member with an illness or injury, and who have no other paid leave available to them. Extended sick leave is not an entitlement and is granted at the discretion of the Executive Director.

Eligibility

Extended sick leave applies to all exempt and non-exempt employees, including part-time employees. To be eligible for extended sick leave, the employee must meet the following requirements:

1. Have a catastrophic health condition as defined by the Employee's Retirement System or have a family member with a catastrophic health condition.
2. All other paid leave has been exhausted.
3. Have at least two years of service with the agency.
4. Have a satisfactory record of work performance.
5. Have at least 80 hours of sick leave at the onset of the illness or injury.

The amount of extended sick leave granted will vary depending on the individual needs and circumstances. The maximum granted to any full-time employee will be 240 hours per fiscal year. (This will be prorated for part-time employees.) When returning to work, the employee does not need to repay extended sick leave.

Application Process

All employees must complete an Application for Extended Sick Leave. The employee's immediate supervisor recommends approval or disapproval of the request prior to forwarding the request to Human Resources. The Executive Director will provide the final approval or disapproval.

Sick Leave Pool

Effective Date: 09/01/2005
Revision Date: 12/01/2010
Revision Date: 09/01/2015
Revision Date: 10/01/2017



Donation_sick_leave_
guidelines.pdf

Each state agency is required to establish a program that allows employees to voluntarily transfer sick leave to a sick leave pool. The sick leave pool is intended to assist employees and their immediately families in dealing with catastrophic illnesses or injuries that force the employees to exhaust all of their available sick leave. An employee becomes eligible to withdraw time from the sick leave pool if the employee has exhausted

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his or her sick leave because of a catastrophic illness or injury of the employee or of a member of the employee's immediate family.

Catastrophic Injury or Illness

The Employees Retirement System has defined the following terms:

1. **Catastrophic Injury or Illness** is a severe condition or combination of conditions affecting the mental or physical health of the employee or the employee's immediate family that requires the services of a licensed practitioner for a prolonged period of time and that forces the employee to exhaust all leave time earned by that employee and to lose sick leave compensation from the State for the employee.
2. **Licensed practitioner** means practitioner, as defined in the Texas Insurance Code, who is practicing within the scope of his or her license.
3. **Immediate Family** is defined as those individuals related by kinship, adoption, marriage, or foster children who are so certified by the Department of Human Services [now the Department of Family and Protective Services] who are living in the same household, or if not in the same household are totally dependent upon the employee for personal care or services on a continuing basis.

Administering the Sick Leave Pool

The program must be administered by the executive director or his or her designee. The TBAE will ensure that the sick leave pool policies do not conflict with the extended sick leave policies.

Contributions to the sick leave pool must be in increments of one or more days with the exception of retiring employees who may designate the number of hours to be donated.

An employee may draw from the sick leave pool only with the approval of the pool administrator. Supporting documentation from a medical practitioner must be submitted to the pool administrator. The documentation must contain sufficient information to allow the pool, administrator to evaluate the employee's eligibility. An employee may not receive sick leave in excess of one-third of the total time in the pool or 90 days, whichever is less.

Donation of Sick Leave to another Employee

TBAE employees, as defined by Texas Government Code, Section 661.001, may donate any amount of the employee's accrued sick leave to another employee who:

1. Is employed in the TBAE as the donor employee, and
2. Has exhausted his or her sick leave, including any time he or she may be eligible to withdraw from a sick leave pool.

Employees may not provide or receive remuneration or a gift in exchange for a sick leave donation. An employee who receives donated sick leave may not:

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1. Use the donated sick leave except as provided by Texas Government Code, Section 661.202(d) and (e), or
2. Receive service credit in the Employees Retirement System of Texas for any donated sick leave that is unused on the last day of the employee's employment.

Holidays

Effective Date: 09/01/2009
Revision Date: 04/02/2009
Revision Date: 09/01/2015
Revision Date: 10/01/2017

Eligible employees of the TBAE receive a paid day off from work on national and state holidays observed by the State. These holidays are specified by the Legislature. Holiday time off is paid at the base pay rate at the time of the holiday. Paid time off for holidays will not be counted as hours worked for the purposes of determining overtime.

If a recognized holiday falls during an employee's eligible paid absence, such as vacation or sick leave, holiday time off will be granted. Annual leave balances will not be charged.

Employees who work 40 hours per week on a schedule other than the normal work schedule are entitled to the same number of holidays per year as those employees who work a normal schedule. Holiday pay for a part-time employee should be proportionate to the number of hours normally worked by the employee.

Eligibility for Holiday Pay

An employee is eligible to receive the holiday if:

1. The employee is employed by the state.
2. The employee is not on Leave Without Pay (LWOP)
3. The holiday does not fall on a weekend

If the holiday falls on the first workday of a month, the employee must be a state employee on the day immediately after the holiday. If a holiday falls in mid-month, the employee must be a state employee on the day before and the day after the holiday. If the holiday falls on the last workday of the month, the employee must be a state employee on the day immediately before the holiday.

Skeleton Crew

In accordance with Government Code Chapter 658.005 and 658.006, the TBAE must have enough employees on duty to conduct the public business of the agency during a holiday designated as "skeleton crew required". A skeleton crew may be required during any holiday when the State Legislature is in session.

At least one person from each division will be on duty during that person's regular working hours (If your division cannot have someone present, the executive director may grant an exception). If no one is in the office after 4pm, the main telephone voice mail will be

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updated to state that the office will close at 4pm. Once the skeleton crew has been filled, any other employee wishing to work on a holiday must obtain advance supervisory approval.

Holiday Compensatory Time

Employees who work on an observed holiday will receive holiday compensatory time on an hour per hour basis (to be recorded as Holiday Time Earned on a leave form) for those hours. Employees who work on a skeleton crew or national holiday may earn no more than eight (8) hours of holiday compensatory time. An employee **may not** earn holiday compensatory time when working from home.

Holiday compensatory time must be used within 12 months following the date the hours were earned. Employees are required to give reasonable notice to their employers when taking this compensatory time, but do not have to specify the reason for the request.

Transfer of Holiday Compensatory Time between State Agencies

State agencies are required to accept a transfer balance of holiday compensatory time if the employee transfers as a direct result of the Legislature transferring authority or duties from one agency to another. State agencies are not required to accept a transfer balance of holiday compensatory time if the transferring employee is required to apply for the new position.

The Texas Attorney General has determined there is no authority that would authorize the transfer of compensatory time when an employee transfers from one agency to another or the payment of compensatory time when an employee separates from state employment. The Attorney General has also ruled that the estate of a deceased employee may not be paid for the employee's earned, but unused, compensatory time.

TBAE Compensatory Time

The Executive Director occasionally grants time off in conjunction with holidays by closing the agency for part or all of a workday. Employees are excused from duty during such periods. Such TBAE time off granted will be treated like a holiday for pay and leave purposes. Employees who work during their basic work schedule on such days are granted TBAE Compensatory Time.

Exhausting Unused TBAE Compensatory Time

1. Accrued leave will be used three (3) months after it is granted. For example, if the Executive Director grants TBAE compensatory time on December 28-29, 2016 must be used on or before March 31, 2017; Employees who have accrued TBAE Compensatory leave balances granted from June through August 2016, must exhaust the accruals by the end of November 2016.
2. After the three-month period, the timekeeper will adjust the accrued TBAE compensatory time.

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3. TBAE Compensatory Time does not transfer to other State agencies and will not be paid when an employee separates from the agency.

In such occurrences, a skeleton crew may be required. Employees who work on a skeleton crew or TBAE holiday may earn no more than eight (8) hours of holiday compensatory time.

Compensatory Time Earned During Travel

TBAE employees may earn compensatory time off for time in a travel status away from the TBAE headquarters when the travel time is not otherwise compensable as hours of work. Employees may earn and use compensatory time for travel in 15-minute increments.

Compensatory time earned under this provision must be used within one year after the period that it is earned and cannot be restored if forfeited. Employees may not receive compensation for forfeited hours.

Overview of Holidays for State Employees

State agency employees are entitled to a paid day off from work on national, state, and optional holidays observed by the State.

An employee is eligible to a paid day off for a holiday, if:

1. The holiday does not fall on a weekend.
2. The employee is not on leave without pay.

TBAE employees who actually work on an observed national or state holiday that does not fall on a weekend will be allowed compensatory time off during the 12-month period following the date of the holiday worked. (At times, those state holidays are referred to as “skeleton crew days.”)

To be paid for a holiday that falls on a day other than the first or last workday of the month, the employee must be a state employee on the day before and the day after the holiday. For purposes of determining holiday pay, a state employee includes someone who is using paid leave from a state agency. It does not include an individual who is taking leave without pay.

However, if the holiday falls on the first workday of a month, the employee must be a state employee on the day immediately after the holiday to be paid. If the holiday falls on the last workday of the month, the employee must be a state employee on the day immediately before the holiday to be paid.

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Types of Holidays

National Holidays:

New Year's Day	Agencies Closed
Martin Luther King, Jr., Day	Agencies Closed
Presidents' Day	Agencies Closed
Memorial Day	Agencies Closed
Labor Day	Agencies Closed
Veterans Day	Agencies Closed
Thanksgiving Day	Agencies Closed
Christmas Day	Agencies Closed

State Holidays

Confederate Heroes Day	Skeleton Crew Required
Texas Independence Day	Skeleton Crew Required
San Jacinto Day	Skeleton Crew Required
Emancipation Day in Texas	Skeleton Crew Required
Lyndon Baines Johnson (LBJ) Day	Skeleton Crew Required
The Friday after Thanksgiving Day	Agencies Closed
December 24	Agencies Closed
December 26	Agencies Closed

Optional Holidays

Rosh Hashanah
Yom Kippur
Good Friday
Cesar Chavez Day

Optional Holidays

An employee who works for a state agency is entitled to observe Rosh Hashanah, Yom Kippur, Good Friday, and Cesar Chavez Day. A state agency employee is entitled to each optional holiday if the employee qualifies for the paid day off and agrees to give up during the same fiscal year an equivalent number of state holidays that do not fall on a Saturday or Sunday and that are not otherwise prohibited from being observed; however, the employee may not agree to give up the Friday after Thanksgiving Day, December 24, or December 26. Optional holidays cannot be substituted for national holidays.

Holidays and Employee Separations

If a TBAE employee separates from the agency and is exhausting unused vacation leave, the employee receives payment for any holidays that the employee would have observed had he or she remained on the payroll. The number of hours that is added to the employee's accrued vacation leave is to be proportionally reduced for part-time employees.

Administrative Leave for Outstanding Performance (Merit Award)

Effective Date: 09/01/2002
Revision Date: 05/01/2017

A Division Manager may recommend up to thirty-two (32) hours of performance leave in a fiscal year, to a full-time employee as a merit award for individual outstanding performance as documented by the employee's performance evaluation. (Performance leave awards for part-time employees will be pro-rated.) Team awards of up to eight (8) hours per fiscal year may also be granted. The total hours of administrative leave for outstanding performance an employee can receive in a fiscal year will not exceed thirty-two (32) hours. However, if the Executive Director grants administrative leave in recognition of Special Act for Achievement, administrative leave for Service, and administrative leave for Outstanding Performance, accumulation of all administrative leaves may not exceed 32 hours per fiscal year.

For the purposes of Performance leave, "outstanding performance" does not necessarily mean that an employee must have an overall performance rating of Exceeds Standards on the most recent performance evaluation. Performance leave may be granted for a single act of outstanding performance or for the outstanding performance of a task, as long as the reason for the performance leave is documented.

To take performance leave, an employee must submit a request in advance and receive supervisory approval to use the leave.

Family and Medical Leave Entitlement

Effective Date: 09/01/2002
Revision Date: 12/01/2010
Revision Date: 10/01/2017

The Family and Medical Leave Act (FMLA) entitles all eligible employees to a total of 12 weeks of job-protected unpaid leave during a 12-month period of one or more of the following reasons:

1. The birth and subsequent care of a newborn child.
2. The placement of a child into the home of an employee or with the employee for adoption or foster care.
3. The need to care for a spouse, child, or parent with a serious health condition. (A child includes a biological, adopted, or foster child, stepchild, a legal ward, or child of a person standing in loco parentis. A parent is defined as a biological, adoptive, step, or foster parent, or individual who stood in loco parentis to an employee when the employee was a child.)
4. A serious health condition that renders the employee unable to work.
5. A qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is covered military member on active duty (or has been notified of an impending call or order to active duty), or is in support of a contingency operation for covered members of a reserve component. Examples of a qualifying

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exigency may include: short notice deployment; military events and related activities; childcare duties and school activities; care of the military member's parents who is incapable of self-care; financial and legal arrangements; counseling; rest and recuperation; and post-deployment activities.

If the leave is for the birth and care of a child, or placement for adoption or foster care, it must conclude within 12 months of the birth or placement of the child.

FMLA Eligibility

For purposes of the FMLA, an eligible employee is one who has been employed by the state for at least twelve (12) months, and who has worked at least 1,250 hours during the preceding twelve (12) months. When calculating the required twelve (12) months of state employment for FMLA eligibility, all state employment will be counted and it need not be continuous. The 1,250 hours refers to hours actually worked and does not include any paid time off.

Note: Employees with less than twelve (12) months of state service or who have worked less than 1,250 hours in the twelve-month period immediately preceding the commencement of leave are eligible to take a parental leave of absence, not to exceed twelve (12) weeks, for the birth of a natural child or the adoption or foster care placement of a child under three (3) years of age.

Military Caregiver Leave

The TBAE must grant an eligible employee who is a spouse, son, daughter, parent, or next of kin of a current member of the Armed Forces (including a member of the National Guard or Reserves) with a serious injury or illness up to a total of 26 workweeks of unpaid leave during a "single twelve-month period" to care for the service member. This is known as military caregiver leave. This approach is required regardless of the method used by the TBAE to determine the employee's 12 workweeks of leave entitlement for other FMLA qualifying reasons.

Spouses Employed by the Same Employer

In cases in which eligible spouses are employed by the same employer, the married employees are limited to a combined total of 12 weeks of family and medical leave for the following reasons:

1. Birth of a child and care of a child after birth.
2. Placement of a child with the employee for adoption or foster care and to care for a newly placed child.
3. To care for a parent who has a serious health condition (or 26 workweeks if the leave is granted to care for a covered service member with a serious injury or illness).

Family and Medical Leave Notice and Certification Employee Notice

If the need for family and medical leave is foreseeable, an employee seeking to use family and medical leave is required to provide a 30-day advance notice of the need for leave.

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If notice cannot be provided 30 days in advance, the employee should notify the Executive Director as soon as practicable. In most cases, this means the same day or the next business day; however, the determination of when an employee could practicably provide notice should take into consideration the individual facts and circumstances.

For the Executive Director to determine whether FMLA applies to a leave request, the employee must provide sufficient information regarding the nature of the request. If an employee is seeking leave for the first time for a family and medical leave qualifying event, the employee does not need to expressly assert his or her family and medical leave rights or even mention family and medical leave. The employee's verbal request may be sufficient to make the TBAE aware that the employee may qualify for family and medical leave.

However, when an employee seeks leave due to a family and medical leave qualifying event for which the TBAE has previously provided the employee with family and medical leave protection, the employee must specifically reference either the qualifying reason for the leave or the need for family and medical leave.

Employer Notice

State agencies are required to post in a location that can be seen by employees and applicants a notice that explains an employee's rights and responsibilities under the FMLA. Furthermore, the TBAE must either include a general notice in the employee handbook or other written guidance provided to employees concerning family and medical leave benefits or distribute a general notice to each new employee upon hiring.

Within five days, absent extenuating circumstances, of when an employee requests family and medical leave or when the TBAE acquires knowledge that an employee's leave may be for a family and medical leave qualifying event, the TBE must notify the employee verbally or in writing that the employee is eligible to take family and medical leave. The TBAE's written notice must include details about the specific expectations for and obligations of the employee and explain any consequences of a failure to meet the obligations.

Certification

The TBAE may require that an employee's request for leave due to a serious health condition affecting the employee or a covered family member be supported by a health care provider's certification. The TBAE may also request, at the TBAE's expense, second and third medical opinions. In addition, the TBAE may require periodic recertification of a serious health condition. The TBAE may use a health care provider, a human resource professional, a leave administrator, or a management official – but not the employee's direct supervisor – to authenticate or clarify a medical certification of a serious health condition.

If the family and medical leave is for a qualifying exigency, the TBAE may require a statement or description, signed by the employee, of appropriate facts regarding the

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qualifying exigency for which family medical leave is requested, including information on the type of qualifying exigency.

If a family and medical leave is to care for a covered service member, also known as military caregiver leave, the TBAE may require an employee to obtain a certification completed by an authorized health care provider of the covered service member. Included in the documentation should be a statement or description of appropriate medical facts, sufficient to support the need for leave, regarding the covered service member's health condition for which FMLA leave is requested.

Family and Medical Leave and the Use of Paid Leave

The FMLA entitlement of job-protected leave is generally unpaid; however, vacation leave, sick leave, state compensatory time, administrative leave, and banked holiday time are considered state benefits and can be counted toward an employee's 12-week FMLA entitlement (or 26 weeks of military caregiver leave entitlement). The TBAE can require an employee to use all vacation and sick leave prior to being placed on a leave without pay status.

In addition, accrued Fair Labor standards Act overtime of nonexempt employees may be counted against the 12-week FMLA entitlement (or 26 weeks of military caregiver leave entitlement). If an employee requests and is permitted to use accrued FLMA compensatory time to receive pay for time taken off for a family and medical leave reason, or if the TBAE requires accrued Fair Labor Standards Act compensatory time to be taken, the compensatory time taken may be counted against the employee's FMLA leave entitlement.

Employees on workers' compensation or receiving temporary disability benefits cannot be required, but may elect to use, paid leave prior to taking unpaid family and medical leave.

Family and medical leave may be used intermittently or on a reduced leave schedule when medically necessary due to the serious health condition of a covered family member, the employee, or a service member, or because of a qualifying exigency. If the request to use intermittent leave is for a planned medical treatment, the employee must make a reasonable effort to schedule the treatment in a manner that does not disrupt the TBAE's business operations.

Sick leave may be used in conjunction with FMLA leave when a child under the age of three is adopted, regardless of whether or not the child is ill at the time of adoption. Conversely, a state employee who is the father of a child may use his sick leave only if the child is ill due to childbirth or to care for his spouse while she is recovering from labor and delivery.

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Failure of the employee to report back to work at the end of the prescribed period, without prior written approval from the Executive Director, will be considered leave without pay. Unauthorized absence is grounds for disciplinary action, up to and including termination.

Determining the 12-month Leave Entitlement Period

The TBAE may use any one of the following periods to administer the 12-week leave entitlement:

1. A calendar year
2. Any fixed 12-month period, such as a fiscal year or anniversary date to anniversary date.
3. A 12-month period measured forward from the date an employee uses any family and medical leave.
4. A rolling 12-month period measured backward from the date an employee uses any family and medical leave.

The TBAE wishing to change from one method of determining the 12-week leave entitlement to another method must give at least 60 days' notice to all employees. Employees retain the full benefit of 12 weeks of leave under whichever method yields the greatest benefit to employees during the 60day transition period.

Job Restoration and Maintenance of Health Benefits

The TBAE requires employees returning from leave for their own serious health conditions to submit a certification that they are able to resume work. If reasonable safety concerns exist, the TBAE may, under certain circumstances, require such a certification for employees returning from intermittent family and medical leave.

An eligible employee who takes leave pursuant to the FMLA is entitled to be restored to the same position, or to an equivalent position with equivalent status, pay, and other terms and conditions of employment even if the employee has been replaced or his or her position has been restructured to accommodate the employee's absence. Furthermore, the time that an employee was on such leave cannot be counted against the employee under a "no fault" attendance policy. An employee on extended leave is asked to provide at least two weeks' advance notice of the intended return-to-work date to allow a smooth transition.

During the time an employee is on family and medical leave, the employer must continue the employee's health benefits. An employee who takes family and medical leave is still responsible for paying his or her portion of health insurance premiums.

If an employee elects not to return to work upon completion of an approved unpaid leave of absence, the agency may recover from the employee the cost of any premiums paid by the state to maintain the employee's coverage, unless the failure to return to work was for reasons beyond the employee's control or due to the continuation, recurrence, or onset of a serious health condition.

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An employee, excluding an employee returning from unpaid military leave during a national emergency, does not earn state service credit, vacation leave, or sick leave for any full calendar months of leave without pay while on family and medical leave.

Working from Home While on FMLA Leave

An employee who is taking Family and Medical Leave may be allowed to work at home, on a case-by-case basis, depending on the circumstances.

An employee whose treating physician has not yet released the employee to return to work on either a part-time or full-time basis shall be presumed to be ineligible to work at home. If the employee's treating physician releases the employee to work part-time or full-time at home, the employee's supervisor, in his or her discretion, may allow or require the employee to work at home, on a case-by-case basis. For example, the employee's treating physician may place restrictions on the employee's ability to drive to and from the office but may give the employee permission to work on a full or part-time basis while recovering at home.

An employee who is taking FMLA Leave to care for someone other than himself or herself would fall under the guidelines for telecommuting because employees with these circumstances are not medically prevented from performing the responsibilities of their job, but simply must be away from the office for a temporary and defined period.

Requests from employees who are new parents are considered to fall within the framework of ordinary telecommuting unless the employee is suffering from a condition that involves medical restrictions on the employee's ability to work in the office. In that case, the request will be considered as a request to work while taking FMLA leave.

Criteria for Working from Home While on FMLA Leave

The supervisor may take into account a number of factors including, but not limited to the following:

1. Can the employee's work be satisfactorily performed by staff still in the office during the employee's medical or sick leave?
2. Is there medical documentation showing a compelling medical reason why the employee is not able to perform the work in the office as opposed to in the home?
3. Can the employee's work be successfully completed outside the office?
4. Has the employee demonstrated through past performance that the assigned tasks can be completed without immediate supervision? And,
5. Will the employee's absence from the office result in an increased workload for other employees?

If, after consideration of all relevant factors, the supervisor agrees that the employee may work from home while on medical/sick leave, then the employee must abide by all of the policies and procedures which apply to telecommuters.

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Leave without Pay

Effective Date: 09/01/2002

Effective Date: 12/01/2010

Revision Date: 10/01/2017

The TBAE may grant leave without pay (LWOP), including a leave of absence without pay, subject to the following provisions:

1. The leave may not exceed 12 months.
2. All accumulated paid leave must be exhausted except in instances of disciplinary suspension, leave covered by workers' compensation benefits, or active military duty situations. Sick leave must first be used only if the employee is eligible to use sick leave under Texas Government Code, Chapter 661, Subchapter G.
3. Subject to fiscal constraints, approval of LWOP constitutes a guarantee of employment at the conclusion of the specified leave period.

The Executive Director may allow for exceptions to these limitations in certain situations.

A full-calendar month in which an employee is in a LWOP status does not constitute a break in state employment. However, except for employees who return to state employment from military leave under Texas Government Code, Section 661.904, a full calendar month in which an employee is in a LWOP status is not counted in the calculation of:

1. The employee's total state service for the purpose of determining the amount of longevity pay or the accrual rates for vacation leave, or
2. The number of months of continuous state service for the purposes of the merit salary provisions or for the eligibility to use vacation leave.

In addition, an employee who is in a LWOP status for the entire month will not accrue vacation or sick leave for that month.

An employee who is on LWOP will have his or her compensation reduced for the pay period by an amount in accordance with the General Appropriations Act and rules adopted by the Office of the Comptroller of Public Accounts.

Please refer to Texas Government Code, Chapter 659, for specific guidelines concerning salary reductions for employees who are exempt from the Fair Labor Standards Act (FLSA).

Requesting Leave without Pay

Leave without pay should be requested in advance, preferable as soon as the employee learns of the need for the leave. Employees requesting leave without pay must submit their request in writing to their supervisor. If approved by the supervisor and the Executive Director, the request will be forwarded to Human Resources. The request must include a

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start date and an ending date. The request must also include the reason for the request, and, if for medical reasons, it must include a doctor's statement and any other detailed justification that adequately explains the reasons for the request.

Review and Approval

All requests for leave without pay will be reviewed for approval by the Executive Director. Approval of the request is not automatic. The requested leave time may be disapproved or adjusted to meet the operational needs of the TBAE. If the request is disapproved or adjusted, and the employee is unable or declines to remain on the job, the agency may take appropriate action to terminate employment.

Exhausting Available Paid Leave

All available accumulated paid leave entitlements must be exhausted before granting leave without pay, with the exception of leave due to disciplinary actions, active military duty, parental leave, FMLA leave, or Workers' Compensation. Sick leave must be exhausted before going on leave without pay status only if the leave is for a reason for which the employee is eligible for sick leave.

Leave Accruals and Insurance Premium

If an absence covers an entire calendar month, the employee does not accrue any vacation or sick leave. The employee is also responsible for payment of insurance premiums (unless excluded under provisions of the FMLA, military leave, or other statutes). A full or partial calendar month during which an employee is on leave without pay does not constitute a break in continuity of employment. Except for an employee returning from military leave without pay, a full calendar month during which an employee is on leave without pay is not counted in computing total state service for purposes related to longevity pay or to the rate of accrual of vacation leave; or continuous state service for purposes related to merit salary provisions or vacation leave (unless excepted under provisions of the FMLA).

Return to Work

Although approval of leave without pay constitutes a guarantee of employment upon return, such a guarantee is subject to fiscal constraints. Upon return to duty, the employee may be placed anywhere in the agency, and the same salary level is not guaranteed. Employees are expected to return to work immediately upon the expiration of the approved dates for leave without pay, unless they have requested and received approval for an extension.

Failure to return to work from LWOP on the approved return date will be considered abandonment of position, and the agency may take appropriate action to terminate employment.

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Exceptions to Policy

The Executive Director may grant exceptions to these provisions when it is deemed to be in the best interest of the state, such as when the leave is to work for another state governmental entity under an interagency agreement, or for educational purposes.

Parental Leave

Effective Date: 09/01/2002
Effective Date: 12/01/2010
Revision Date: 10/01/2017

Purpose:

Parental leave is a benefit to the TBAE employees that allows for an absence from work with or without pay, not to exceed 12 weeks, which can be used beginning on the date of the birth of a child or the adoption by or foster care placement with the employee of a child younger than three years of age.

Eligibility:

Employees who do not qualify for Family and Medical Leave because they have fewer than 12 months of total state service, or because they have worked fewer than 1,250 hours in the twelve-month period immediately preceding the commencement of leave, are eligible to take a parental leave of absence not to exceed 12 weeks for the birth of a child or the adoption or foster care placement of a child under three years of age.

Application Process:

Parental leave begins with the date of birth of a child or the first day the adoptive or foster child is formally placed in the home and can last up to 12 weeks.

An employee must use all available applicable paid vacation and sick leave before being granted leave without pay when taking parental leave. The use of sick leave is strictly limited to those situations clearly falling within the definition of sick leave.

An employee should give at least 30 calendar days' notice to the employee's supervisor of the need to take parental leave. The notification should state the length of the leave requested, the amount of annual leave, sick leave, leave without pay, and other leave that will be used. The employee's supervisor will review and recommend approval of the leave. Human Resources will review the request and grant final approval.

An employee may use Fair Labor Standards Act overtime, holiday, and state compensatory time balances prior to going on a leave without pay status.

If an employee becomes eligible for family medical leave during the parental leave period, the employee will receive only a combined total of 12 weeks leave.

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If an employee is on any type of paid leave that extends into subsequent month(s), any vacation and sick leave accruals for such month(s) on paid leave will not be posted until the day of his or her return to duty.

An employee on unpaid parental leave is not entitled to receive the state-paid portion of the group health insurance premium during any full calendar months of leave without pay. The employee is responsible for the entire cost of the insurance premiums. Human Resources will notify the employee of the cost of the insurance premiums.

Emergency Leave

Effective Date: 09/01/2002
Revision Date: 12/01/2010
Revision Date: 10/01/2017

The 85th Legislature enacted legislation amending the use of emergency leave by state employees. That legislation allows the administrative head of a state agency to grant an employee sue of emergency leave for reasons other than for the death of an employee's family member if: (1) the employee requests the leave, (2) the agency's administrative head determines that the employee has shown good cause for taking the emergency leave, and (3) the agency's administrative head believes in good faith that the employee being granted the emergency leave intends to return to his or her position with the agency upon expiration of the emergency leave. An employee is not required to request emergency leave because the agency is closed due to weather conditions or observance of a holiday.

In addition, the legislation requires the agency's administrative head to report to the Comptroller's Office, not later than October 1 of each year, the name and position of each agency employee who was granted more than 32 hours of emergency leave during the previous fiscal year and (1) the reason for which that employee was granted the emergency leave and (2) the total number of hours of emergency leave granted to that employee in that fiscal year.

The first report required by the new legislation is due October 1, 2017, and must cover the time-period from September 1, 2016 to August 31, 2017.

Death of an Employee's Family Member

TBAE provides emergency (bereavement) leave with pay for a death in the employee's family. An employee's family is defined as the employee's and the employee's spouse's parents, children, brothers, sisters, grandparents, and grandchildren.

Definition of Immediate Family Member:

The Executive Director has determined that foster children, stepchildren, and stepparents are also included in the definition of "immediate family" member.

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Duration of Leave

There is nothing in statute that requires an agency to provide a specific number of days of emergency leave for a death in the employee's family. In addition, statute does not require an employee to attend a funeral to be entitled to emergency leave. The amount of emergency leave for the death of an employee's family member is dependent on agency policy.

Good Cause

In addition to granting employees emergency leave for the death of an employee's family member, the Executive Director may grant emergency leave for other reasons if:

1. The employee requests the leave.
2. The Executive Director determines that the employee has shown good cause for taking the leave, and
3. The Executive Director believes in good faith that the employee being granted the emergency leave intends to return to his or her position with the agency upon expiration of the emergency leave.

An employee is not required to request emergency leave if the Executive Director grants emergency leave because the agency is closed due to weather conditions or in observance of a holiday.

The TBAE understands the deep impact that a death can have on an individual and family; therefore, additional paid and/or non-paid time off may be granted depending on the circumstances of the situation, such as the distance an individual needs to travel and the individual's responsibility for making funeral arrangements. Additional paid or unpaid leave must be approved by the Executive Director

Emergency (Bereavement) Leave for Persons Not Included Under the Definition of "Immediate Family"

All regular employees may take up to one day off with pay to attend the funeral of a non-family member or a family member not defined under the definition of "immediate family." This policy is not meant to limit management's discretion, as each request for emergency leave will need to be considered on a case-by-case basis. For example, some people may have been raised by their aunt and uncle and, therefore, a longer leave period may be appropriate.

Requesting Emergency (Bereavement) Leave:

Employees must notify the supervisor of the request for emergency leave.

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Time Off to Vote

Effective Date: 09/01/2002

Revision Date: 12/01/2010

Revision Date: 10/01/2017

The TBAE allows sufficient time off to employees, without a deduction in salary, to vote in each national, state, or local election if there is not sufficient time to vote outside regular working hours. There is no consistent standard or formal guidance regarding how much time should be provided to employees for this purpose.

Early voting enables an employee to vote (before or after work, including the weekends) prior to an election. If an employee has been unable to vote during the early voting period, time off to vote on Election Day will be granted.

Employees should request the time off from his or her supervisor at least two working days prior to an election day.

Birthday Leave

Effective Date: 01/22/2009

Revision Date: 10/01/2017

Each TBAE employee will be granted two hours of Birthday leave. An employee may choose to use the leave at the beginning or end of the workday on the birth day or if the employee chooses to be off, then the leave may be used in conjunction with annual or compensatory time. The leave is to be coordinated with the employee's supervisor as required. The leave must be used on the employee's birthday and cannot be banked to be used on another date. If the employee's birthday falls on a weekend or a holiday, then the leave may be used on the day before or day after the weekend or holiday.

Military Leave and Employment Rights

Both state and federal law provide employment and re-employment rights to individuals who are called to military service. These laws provide income and job protection, as well as a means for employees to secure time off when called to military service.

Veterans' Liaisons

A state agency that has fewer than 500 full-time equivalent positions may designate an individual to serve as a veterans' liaison.

The Uniformed Services Employment and Reemployment Rights Act (USERRA)

The Uniformed Services Employment and Reemployment Rights Act (USERRA) is the federal law intended to ensure that persons are not disadvantaged in their civilian careers because of their current or past service in the U.S. Armed Forces' Reserves, the National Guard, or other uniformed services. USERRA prohibits an employer from denying initial

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employment, reemployment, retention in employment, promotion, or any benefit of employment on the basis of an individual's membership, application for membership, performance of service, application for service, or obligation for service in the uniformed services.

State agencies and institutions of higher education that have qualifying service members must provide the service members the following:

1. Prompt job reinstatement
2. Accumulation of seniority, including pension plan benefits.
3. Reinstatement of health insurance.
4. Training/retraining of job skills, including accommodations for the disabled.
5. Protection against discrimination

In addition, USERRA provides protection for disabled veterans, requiring employers to make reasonable efforts to accommodate the disability.

The U.S. Department of Labor's Veterans' Employment and Training Service (VETS) administers USERRA and all questions should be directed to that office. Contact and additional information about USERRA is available at <http://www.dol.gov/vets/>.

Military Leave Entitlements and Eligibility

Effective Date: 12/01/2010
Revision Date: 09/01/2015
Revision Date: 09/01/2015
Revision Date: 10/01/2017

State employees who are members of the State's military forces, a reserve branch of the U.S. Armed Forces, or a state or federally authorized urban search and rescue team are entitled to 15 workdays in each fiscal year without loss of pay or benefits to accommodate authorized training or duty for the State's military forces, a reserve branch of the U.S. Forces, or a state or federally authorized urban search and rescue team.

Military Leave, per the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA). The 15 days of paid leave need not be consecutive. These days are considered business days, not calendar days. In addition, if the employee does not use the 15 days of military leave in a fiscal year, the employee is entitled to carry forward from one fiscal year to the next fiscal year the net balance of the unused accumulated leave not to exceed 45 workdays.

State agencies are required to adjust the work schedule of an employee who is a member of the Texas National Guard for a reserve branch of the U.S. Armed Forces so that two of the employee's days off each month coincide with two days of military duty.

An employee called to active duty during a national emergency to serve in a reserve component of the U.S. Armed Forces under Title 10 or Title 32 of the United States Code is entitled to an unpaid leave of absence. The employee may choose (but is not required)

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to use all or some portion of another form of paid leave before he or she chooses to go on leave without pay while on military leave.

An employee called to state active duty as a member of the state military forces by the Governor because of an emergency is entitled to receive emergency leave without loss of military or vacation leave. This leave will be provided without a deduction in salary. This time is not limited and does not count against the 15 days maximum military leave per fiscal year.

An employee called to federal active duty to assist civil authorities in a declared emergency or for training for that purpose is entitled to receive paid emergency leave for not more than 22 workdays without loss of military leave or vacation leave.

A member of the state military forces who is ordered to active state duty by the Governor or by another proper authority under Texas law is entitled to the same benefits and protections provided:

1. To persons performing service in the uniformed services in accordance with Title 38, United States Code, Sections 4301-3959, 3991, and 4011-4026.

Military Family Leave Entitlements

The Family and Medical Leave Act (FMLA) allows eligible employees to take up to 12 weeks of job-protected leave in the applicable 12-month period for any “qualifying exigency” arising out of the active duty or call to active duty status of a spouse, son, daughter, or parent.

In addition, the FMLA also allows eligible employees to take up to 26 weeks of job-protected leave in a single 12-month period to care for a covered service member with a serious injury or illness. Those two types of FMLA leave are known as the “military family leave entitlements.”

Paid Leave and State Service

Employees called to active duty during a national emergency to serve in a reserve component of the U.S. Armed Forces under Title 10 or 32 of the United States Code are entitled to state service for longevity pay purposes, vacation leave accruals, and sick leave accruals while on an unpaid leave of absence. This leave will be accrued but not posted until the employee returns to state employment. In addition, the employee retains his or her leave balances unless the employee chooses to use any accrued vacation leave, compensatory time, or overtime leave to maintain benefits for the employee or the employee’s dependents while on military duty.

Additionally, an employee may continue to accrue service credit with the Employees Retirement System by receiving at least one hour of state pay during each month of active military service. The employee may use any combination of paid leave that can be carried forward each fiscal year.

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Additionally, TBAE must, upon the request of a state employee who is a member of the State's military forces, a reserve branch of the U.S. Armed Forces, or a state or federally authorized urban search and rescue team, provide to that employee a statement that contains:

1. The number of workdays for which the employee claimed as paid leave under Texas Government Code, Section 437.202(a), in that fiscal year.
2. The net balance of unused accumulated paid leave for that fiscal year that the employee is entitled to carry forward to the next fiscal year, and
3. The net balances of all unused accumulated paid leave under Texas Government Code, Section 437.202, to which the employee is entitled.

Notice of Military Leave

USERRA requires that service members provide advance written or verbal notice to their employers for all military duty unless giving notice is impossible, unreasonable, or precluded by military necessity.

Military Pay Differentials

The TBAE Executive Director must grant sufficient emergency leave to provide a pay differential if an employee's military pay is less than the employee's state gross pay. The combination of military pay and emergency leave may not exceed the employee's actual state gross pay. Pay received while assigned to a combat zone, hardship duty pay, and family separation pay is excluded when computing military differential pay.

The TBAE should inform activated state employees of the agency's intent to use emergency leave to supplement their military pay to raise it a rate comparable to the state pay received prior to activation.

Only state employees called to active duty in support of a national emergency or Homeland Security mission (under United States Code, Title 10 or Title 32) and who's military pay is less than their gross state pay are eligible for differential pay. Service members involved in routine military training or who are attending military schools are not entitled to this differential pay.

If emergency leave is granted to TBAE employees activated for military duty, those employees will accrue sick leave and vacation leave each month they receive pay from the TBAE. The sick and vacation leave will be accrued but not posted until the employee returns to full employment with the TBAE.

Determining Eligibility

To determine eligibility, the TBAE will request a copy of the employees' Military Leave and Earnings Statement each month that emergency leave is going to be granted to look at the total entitlement of military pay received by the service members. The service members' pay may change during the period of active duty because of a promotion or

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change in entitlements; any increase in pay may reduce or cease the need for state military differential pay.

Returning Service Members

A TBAE employee who (1) is a member of the state military forces, a reserve component of the U. S. Armed Forces, or a member of a state or federally authorized urban search and rescue team and (2) who is ordered to duty by the proper authority is entitled, when relieved from duty, to be restored to the position that the employee held when ordered to duty or to a position of similar seniority, status, and pay.

USERRA also requires that reasonable efforts (such as training or retraining) be made to enable returning service members to refresh or upgrade their skills to help them qualify for reemployment.

Under state and federal law, to be eligible for reemployment, the employee must be discharged, separated, or released from active military service under honorable conditions no later than five years after induction, enlistment, or call to duty. In addition, under state law, the employee must be physically and mentally qualified to perform the duties of the job. If an employee is unable to perform the duties of the previous job due to a service-related disability, the veteran is entitled to be restored to a position that he or she can perform with similar or the nearest possible seniority, status, and pay.

Veterans whose employment has been restored may not be dismissed without cause within a year of their reinstatement.

Applications for Reemployment

Under state law, eligible veterans must apply for reinstatement within 90 days after discharge or release from service. The application must be made in writing to the Executive Director and must include evidence of discharge under honorable conditions.

Entitlement to Retirement or Other Benefits

An individual reemployment is considered to have been on furlough or leave of absence during the time that the individual was in military service. As such, the employee may participate in retirement or other benefits to which a public employee is or may be entitled.

Organ and Bone Marrow Donor Leave

Effective Date: 12/01/2010

A state employee is entitled to a leave of absence without a deduction in salary for the time necessary to permit the employee to serve as a bone marrow or organ donor. The leave of absence may not exceed, five working days in a fiscal year as a bone marrow donor; or 30 working days in a fiscal year to serve as an organ donor.

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Blood Donor Leave

Effective Date: 12/01/2010

An employee may request sufficient time off, not to exceed four times in a fiscal year, to donate blood. An employee must present sufficient documentation upon return to the supervisor to validate absence for blood donation. Failure to provide proof that blood was donated during the time off may result in deductions from accrued leave.

Volunteer Firefighter and EMS Training Leave

Effective Date: 12/01/2010

Volunteer firefighters and emergency medical services volunteers will be granted a paid leave of absence not to exceed five working days each fiscal year for attending training schools conducted by state agencies. Before an employee may use this leave adequate documentation of the proposed training must be provided.

An employee who is a volunteer firefighter or an emergency medical service volunteer and is called to duty during working hours is entitled to emergency leave at the discretion of the administrative director. It is expected that such service will not be a continuous disruption in the office.

Reserve Law Enforcement Officer Training Leave

Effective Date: 10/01/2017

TBAE employees who are reserve law enforcement officers as defined by Texas Occupations Code, Section 1701.001, are entitled to paid leave not to exceed five working days each fiscal biennium to attend training required by Texas Occupations Code, Section 1701.351.

Parent-Teacher Conference Leave

Effective Date: 12/01/2010

The TBAE allows an employee to use up to eight hours of sick leave each fiscal year to attend parent-teacher conference sessions for the employee's children who are in pre-kindergarten through twelfth grade. The employee must give advance notice of his or her intention to use this leave.

Part-time employees receive this leave on a proportionate basis.

Education Service Centers and Leave

Effective Date: 10/01/2017

Education Service Centers were established to assist school districts in improving student performance and increasing the efficiency of school operations. Education Service

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Centers are not considered state agencies for benefits purposes; however, sick leave may be transferred from Education Service Centers to a state agency at a rate not to exceed five days per year for each year of employment.

Vacation leave is not transferable to Education Service Centers; therefore, state employees transferring to Education Service Centers should be paid for accumulated vacation leave.

Payment of Accrued Leave of Deceased Employees

In the event of an employee's death, the employee's estate is entitled to payment by the TBAE for (1) all accumulated vacation leave and (2) one-half of accumulated sick leave or 336 hours, whichever is less. The payment is calculated by multiplying the employee's hourly rate at the time of death by the total number of leave hours applicable. The calculation does not include longevity or hazardous duty pay. The estates of TBAE employees who normally work at least 900 hours per year and who have accrued six months of continuous state employment are eligible for this benefit.

However, a deceased employee's estate is not entitled to payment for earned but unused state compensatory time. In addition, for a TBAE employee who at the time of death was working at least 40 hours a week, the TBAE must allocate the deceased employee's accrued sick and vacation leave over the workdays following the employee's death. The TBAE must then add eight hours to the employee's accrued sick and vacation leave for each state or national holiday scheduled to occur during the period to which the accrued leave was allocated. TBAE employees who work fewer than 40 hours a week will receive a proportionate payment.

Court Appointed Special Advocate (CASA)

Effective Date: 12/01/2010

A TBAE employee may be provided paid leave not to exceed five hours each month to participate in mandatory training or perform volunteer services for Court Appointed Special Advocates. This leave is provided to an employee without a deduction in salary or loss of vacation time, sick leave, earned overtime credit, or state compensatory time.

Employees must notify their supervisor in advance of the need for CASA leave.

Foster Parent Leave

Effective Date: 12/01/2010

An employee who is a foster parent to a child under the protection of the Department of Family and Protective Services (Department) is entitled to a paid leave of absence to attend staff meetings held by the Department regarding the foster child. In addition, the employee may use this entitlement to attend admission, review, and dismissal meetings held by a school district regarding the foster child.

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Employees must notify their supervisor in advance of the need for Foster Parent leave.

Certified American Red Cross Activities Leave

Effective Date: 12/01/2010
Revision Date: 10/01/2017

TBAE employees who are certified disaster service volunteers of the American Red Cross or who are in training to become a volunteer may be granted paid leave—without a deduction in salary or loss of vacation leave, sick leave, or state compensatory time—not to exceed 10 days each fiscal year to participate in specialized disaster relief services for the American Red Cross. TBAE employees must have the approval of his or her supervisor and the Governor and a request from the American Red Cross. The number of certified disaster service volunteers who are eligible for this type of leave may not exceed 350 state employees at any one time during a fiscal year. The Texas Division of Emergency Management is responsible for coordinating the establishments and maintenance of the list of eligible employees.

Amateur Radio Operator Leave

A TBAE employee with an amateur radio station license issued by the Federal Communications Commission may be granted leave not to exceed 10 days each fiscal year to participate in specialized disaster relief services without a deduction in salary or loss of vacation leave, sick leave, overtime leave, or state compensatory time. The amateur radio operator leave should be authorized by the employee's supervisor and with the approval of the Governor.

The number of amateur radio operators eligible for this type of leave may not exceed 350 state employees at any one time during a fiscal year. The Texas Division of Emergency Management is responsible for coordinating the establishment and maintenance of the list of employees eligible for this leave.

Leave during an Agency Investigation

The TBAE Executive Director may grant leave without a deduction in salary to a TBAE employee who is:

1. The subject of an investigation being conducted by the agency, or
2. A victim of, or witness to, an act or event that is the subject of an investigation being conducted by the agency.

A TBAE employee who is the subject of an investigation being conducted by the TBAE is ineligible to receive leave for that reason under any other provision of Texas Government Code, Chapter 661.

No later than the last day of each state fiscal year quarter, the TBAE must submit a report to the State Auditor's Office and the Legislative Budget Board that includes the name of each agency and who is the subject of an investigation being conducted by the TBAE and

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who has been granted 168 hours or more of leave for that reason during that fiscal year quarter. The report must include, for each employee, a brief statement as to the reason that the employee was granted the leave.

New Requirement

The 85th Legislature enacted legislation allowing an agency's administrative head to grant leave without a deduction in salary to an employee who is: (1) the subject of an investigation being conducted by the agency or (2) a victim of, or witness to, an act or event that is the subject of an investigation being conducted by the agency. A state employee who is the subject of an investigation being conducted by the agency is ineligible to receive leave for that reason under any other provision of Texas Government Code, Chapter 661.

In addition, no later than the last day of each state fiscal year quarter, an agency must submit a report to the State Auditor's Office and the Legislative Budget Board that includes the name of each agency employee who is the subject of an investigation being conducted by the agency and who has been granted 168 hours or more of leave for that reason during that fiscal year quarter. The report must also include, for each employee, a brief statement as to the reason that the employee was granted the leave.

Disability Assistance Dog Leave

Effective Date: 12/01/2010

An employee with a disability as defined by Human Resources Code, Sect. 121.002, will be granted a paid leave of absence not to exceed 10 days each fiscal year to attend training necessary to provide the employee with an assistance dog. This leave is in addition to other leave entitlement.

Additional Miscellaneous Leave Types Provided Under Texas Labor Code and Texas Government Code

Effective Date: 12/01/2010
Revision Date: 10/01/2017

The following types of leave are permitted under Texas Labor Code, Chapter 52, and Texas Government Code, Chapters 659 and 664.

Compliance with a Subpoena

The TBAE may not discharge, discipline, or penalize an employee for complying with a subpoena to appear in civil, criminal, legislative, or administrative proceeding. Any organization that violates this may be found in contempt of court or subject to a monetary penalty, depending upon the issuing authority.

The agency will use its own discretion in instances of unofficial testimony to decide whether such an absence is considered good cause for emergency leave.

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Time Off for Jury Service

Effective Date: 12/01/2010
Revision Date: 10/01/2017

The TBAE encourages all employees to fulfill calls for jury duty. An employee is entitled to serve on a jury without a deduction in salary. Jury service leave is designed so that employees will not lose pay or leave time due to being required to serve on a jury.

When an employee receives a jury summons, the supervisor should be notified as soon as possible. Employees are expected to report for work whenever the court schedule permits.

Wellness Leave

Effective Date: 12/01/2010
Revision Date: 10/01/2017

As part of the TBAE Wellness Program, the agency provides eight hours of leave time each year to an employee who receives a physical examination and completes an online health risk assessment tool or similar health risk assessment conducted in person by a worksite wellness coordinator.

In addition, the agency allows an employee to use 30 minutes during normal working hours for exercise three times each week, allow an employee to attend on-site wellness seminars. For more information, please see the Wellness Policy.

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Employment Separation

Effective Date: 12/01/2010

Employment separation is an inevitable part of personnel activity within any organization, and many of the reasons for termination are routine. Either since employment with the TBAE is based on mutual consent (at-will), the employee or the TBAE have the right to end the employment relationship at will, with or without cause or advance notice, at any time. These are some of the most common circumstances for employment separations:

Resignation is a voluntary employment separation initiated by the employee. Since all employees serve “at-will,” an employee may leave at any time, with or without notice. The TBAE appreciates, however, having a minimum of two weeks’ notice of an employee’s intent to resign. Giving advance notice can reduce the impact on the employee’s co-workers and productivity. A written notice of resignation should include their last working day at the TBAE and a new address and new employer, if applicable.

Retirement is a voluntary employment separation initiated by the employee. There is no mandatory retirement age for a state employee, although there are eligibility requirements to receive retirement benefits. Employees retiring from the agency should notify the Employees Retirement System (ERS) not more than 90 days before the intended retirement date (not including leave time to be taken). See the Employee Benefits Overview policy for more information on retirement.

Termination is an involuntary employment separation initiated by the organization, but does not include layoff (separation due to Reduction in Force). See the Counseling and Disciplinary Action policy for more information on termination.

Layoff is an involuntary employment separation initiated by the organization due to a Reduction in Force (RIF). See the Reductions in Force policy for more information.

Reductions in Force (RIF)

Effective Date: 12/01/2010

Reduction in workforce involves involuntary separation from employment of employees whose positions have been eliminated. These reductions may be due to budgetary constraints, legislative mandates, or agency reorganizations that alter or reduce the delivery of services, programs, or functions. In some situations, staff reductions may be accomplished entirely by attrition and retirement without involuntary separations from employment.

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When the Executive Director finds it necessary to reduce the number of employees in the agency, then either specific budgetary, staffing allocations, and/or functions to be reduced or deleted will be communicated to the management team and reductions will be proposed.

Establishing RIF Criteria

When a reduction in force is implemented, functions are prioritized based on the effect that elimination or reduction of those functions is projected to have on the agency. The criteria used to determine the employees to be laid off may include performance, seniority, and business-related criteria. Human Resources, with the consent of the Executive Director, will review all criteria used to evaluate employees for possible restructuring prior to implementation in order to ensure that the criteria are job related, objective, measurable, and consistently applied.

Loss of Employment

If a reorganization results in one or more employees being downgraded or terminated, the Executive Director will review the proposed reorganization plan to ensure that all restructuring activity is consistent with laws pertaining to Equal Employment Opportunity as well as the requirements of State law pertaining to restructuring of a State agency.

Affected employees will be notified with as much advance notice as feasible and as required by law. An employee separated from employment with the State under a formal reduction in force can have his or her sick leave balance restored if re-employed by the State within 12 months of termination.

The Executive Director may alter or waive any or all parts of this policy, as necessary, to meet the agency's staffing allocations or needs.

Exit Interview

Effective Date: 12/01/2010

State Auditor's Office Exit Interview

The TBAE must provide all employees, who are terminating their employment voluntarily, access to the State Auditor's Office online exit survey. This includes all employee groups, (i.e., classified full-time, classified part-time, non-classified full-time, and non-classified part-time). The objective of this online system is to offer a direct means through which employees can provide information about why they decided to leave employment with the agency.

The State Auditor's Office considers the following reason codes used by the Comptroller of Public Accounts' Human Resource Information System (HRIS), the Uniform Statewide Payroll/Personnel System (USPS), and the Standardized Payroll/Personnel Reporting System (SPRS) as voluntary terminations:

1. Voluntary separation from agency.

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2. Transfer to a different state agency or institution of higher education with no break in service.
3. Retirement.

The exit survey instrument can be accessed at www.sao.state.tx.us/apps/exit/. The Human Resources Department will assign an ID number to the employee that allows secure access to the system. Individual responses are confidential in nature and will be made available to the TBAE only in summarized form, although an employee who exists the agency has the option to share the survey directly with the Executive Director.

Agency Exit Interview

In addition to the SAO online Exit Survey, employees are asked to meet with the Human Resources Department for an exit interview within three days of the employees' last day. The exit interview is an opportunity to discuss such issues as employee benefits, final pay, and return of TBAE-owned property.

Participation in both the SAO Exit Survey and the TBAE Exit Interview is voluntary and an employee has the right to refuse to participate.

Refund of Retirement Contributions

Effective Date: 12/01/2010

A separating employee may request a refund of retirement contributions from the Employees Retirement System (ERS). The employee is eligible to receive the refund after being off the payroll for **one** full month.

An employee's application will be disqualified if:

1. transferred to another state agency without a break in service; or
2. re-employed with the state during the calendar month following the month of termination.

The TBAE employees who have contributed to an ERS retirement account and wish to withdraw their contributions after they leave state employment may elect to withdraw funds in one of three ways:

1. paid directly to the employee
2. paid in a direct rollover, or
3. rollover a portion and have the remainder paid directly to the employee, less 20% tax.

To request a withdrawal of retirement account money, call ERS toll-free at (877) 275-4377 or in Austin at (512) 867-7711.

If the employee returns to state employment for at least six (6) months at a later date and wants to establish service credit, the employee must repay the contributions plus penalty

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and interest. Contact the Employees Retirement System (ERS) to reestablish past service credit

Leave Balances upon Separation and Transfers

Effective Date: 12/01/2010
Revision Date: 10/01/2017

The following procedures outline what happens to unused leave balances when an employee separates from employment with the TBAE.

Annual (vacation) Leave

A separating employee with unused annual leave balances has the following options:

Transfer of Unused Annual Leave

If an employee makes a direct transfer (no break in service) to another state agency, annual leave, as well as sick leave balances, will transfer to the receiving agency.

Payment for Unused Annual Leave

An employee may receive a lump sum payment for any unused annual time accrued upon separation from state employment, providing the individual is not re-employed by a state agency which grants vacation time within a period of 30 days from the date of separation.

If an individual is eligible for a lump sum payment, payment will be made within 45 days from the date of separation.

Exhausting Unused Annual Leave

With approval from the Executive Director, a separating employee may elect to remain on the payroll and exhaust their vacation leave balance instead of receiving a lump sum payment, provided:

1. the leave is not carried into the next month; or
2. in the case of a direct transfer, the leave may not run past the starting date with the receiving agency.

An employee does not accrue sick or vacation leave when remaining on the payroll to exhaust leave. An employee is also unable to exhaust sick leave during this time regardless of the nature of the illness. However, an employee allowed to remain on the agency's payroll is entitled to continue to receive all compensation and benefits that the employee was receiving on the employee's last day of duty.

Upon separation, lump-sum payments for accrued unused vacation leave will include payment for any holidays that the employee would have observed had he or she remained on the payroll. Eight hours per holiday will be added for employees who are normally

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scheduled to work 40 hours per week. Employees who are normally scheduled to work less than 40 hours per week will receive a proportionate payment.

An employee who is restored to state employment following military service is entitled to have his or her vacation leave balance restored.

Holiday Compensatory Time

Holiday compensatory time is not transferable to another state agency and will not be paid when an employee separates from the agency.

State Compensatory Time

State Compensatory Time does not transfer to other State agencies. Under no circumstances may an employee be paid for any unused performance leave.

With approval from the Executive Director, a separating employee may be permitted to remain on the payroll to exhaust a compensatory leave balance. An employee does not accrue sick or vacation leave when remaining on the payroll to exhaust leave. An employee is also unable to exhaust sick leave during this time regardless of the nature of the illness.

Performance Leave

Performance leave does not transfer to other State agencies. Under no circumstances may an employee be paid for any unused performance leave.

With approval from the Executive Director, a separating employee may be permitted to remain on the payroll to exhaust a performance leave balance. An employee does not accrue sick or vacation leave when remaining on the payroll to exhaust leave. An employee is also unable to exhaust sick leave during this time regardless of the nature of the illness.

Sick Leave

Once an employee terminates employment with the state, the employee is not entitled to payment for any sick leave balance. Retirees who return to state employment will not have their sick leave balances restored.

Transfer of Sick Leave to another Agency

If an employee makes a direct transfer to another state agency without a break in service, the sick leave balance will transfer to the receiving agency. Separated employees are entitled to have their sick leave balances restored if they are re-employed by the State within 12 months.

Reinstatement of Sick Leave after RIF

An employee who separates from employment with the state under a formal reduction in force is entitled to have the employee's sick leave balance restored if the employee is reemployed by the state within 12 months.

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An employee who separates from employment with the state for a reason other than a formal reduction in force is entitled to have the employee's sick leave balance restored if:

1. the employee is reemployed by the same state agency within 12 months, but only if there has been a break in employment with the state of at least 30 calendar days; or
2. the employee is reemployed by a different state agency or institution of higher education within 12 months.

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Acknowledgement Form

ACKNOWLEDGEMENT FORM

The employee handbook describes important information about the TBAE and I understand that I should consult the Human Resources Department regarding any questions not answered in the handbook.

I have entered into my employment relationship with the TBAE voluntarily and acknowledge that there is no specified length of employment. Accordingly, either the TBAE or I may terminate the employment relationship at will at any time, with or without cause, so long as there is no violation of applicable federal or state law.

Since the information, policies, and benefits described in the handbook are subject to change as needed, I acknowledge that revisions to the handbook may occur, except to the At-Will Employment policy of the TBAE. All such changes will be communicated through official notices, and I understand that revised information may supersede, modify, or eliminate existing policies. I also understand that only the Executive Director of the TBAE has the ability to adopt revisions to the policies in this handbook.

Furthermore, I acknowledge that this handbook is neither a contract of employment nor a legal document. I have received the handbook, and I understand that it is my responsibility to read and comply with the policies contained in this handbook and any revisions made to it.

EMPLOYEE'S NAME (printed): _____

EMPLOYEE'S SIGNATURE: _____

DATE: _____

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Appendix 1

State Agency Responsibilities

Appendices

Appendix 1 - State Agency Responsibilities

Appendix 1

Table “A” lists subject areas and the corresponding responsible agencies for various human resources-related subjects:

Table A

Agencies Responsible for Human Resources-related Subjects		
Topic	Office to Contact	Phone Numbers & Websites
Salary Administration	State Auditor's Office State Classification Office of the Comptroller of Public Accounts	(512) 936-9500 http://www.sao.texas.gov/contact/AgencyContactManagers/ (512) 463-4008 or (512) 463-2277 https://fmxcpa.texas.gov/fm/pubs/paypol/index.php
Discrimination of Employment	Texas Workforce Commission	(512) 463-2642 http://www.twc.state.tx.us/partners/civil/rights-discrimination
Vacation and Leave	State Auditor's Office – State Classification team	(512) 936-9500 http://www.sao.texas.gov/Contact/AgencyContactManagers/
Health Insurance	Employees Retirement System	(877) 275-4377 (toll free) http://ers.texas.gov/
Holidays	Office of the Comptroller of Public Accounts	(512) 463-4008 or (512) 463-2277 https://fmxcpa.texas.gov/fm/pubs/paypol/
Job Vacancy Posting	Texas Workforce Commission	(512) 463-2222 http://www.twc.state.tx.us/businesses/recruiting-hiring-resources
Longevity	Office of the Comptroller of Public Accounts	(512) 463-4008 or (512) 463-2277 https://fmxcpa.texas.gov/fm/pubs/paypool/nonsalary_provisions/index.php
Payroll	Office of the Comptroller of Public Accounts	(512) 463-4008 or (512) 463-2277 https://fmxcpa.texas.gov/fm/payper/index.php
Retirement	Employees Retirement System	(877) 275-4377 (TOLL FREE) http://www.ers.texas.gov
Travel	Office of the Comptroller of Public Accounts	(512) 475-0966 https://fmxcpa.teas.gov/fmx/travel/index.php
Unemployment Insurance	Texas Workforce Commission	(866) 274-1722 (toll free) http://www.twc.state.tx.us/businesses/unemployment-benefits-contact-information-employers
Veterans' Benefits	Texas Veterans Commission	(512) 463-5538 or (512) 463-6564 or (800) 252-8387 (toll free) http://www.tvc.state.tx.us
Workers' Compensation	Division of Workers' Compensation Compensation at the Department of Insurance State Office of Risk Management	(800) 252-7031 (toll free) http://www.tdi.texas.gov/wc/dwcccontacts.html (512) 475-1440 (877) 445-0006 (toll free) http://www.sorm.state.tx.us/about-us/contact-us

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Appendix 2

Entitlements for State Agency Employees

Appendix 2 - Entitlements for State Agency Employees

Appendix 2

Table B

Entitlements for State Agency Employees					
Employment Status ^a	Vacation Leave Accrual	Sick Leave Accrual	State Service Credit	Longevity Pay	Holidays
Classified Full-time	Yes	Yes	Yes	Yes	Yes
Classified Part-time	Yes, proportionate to the number of hours scheduled to work.	Yes, proportionate to the number of hours scheduled to work	Yes	No	Yes, proportionate to the number of hours scheduled to work.
Exempt Full-time	Yes	Yes	Yes	Yes	Yes
Exempt Part-time	Yes, proportionate to the number of hours scheduled to work	Yes, proportionate to the number of hours scheduled to work.	Yes	No	Yes, proportionate to the number of hours scheduled to work.
Unclassified Full-time	Yes	Yes	Yes	Yes	Yes
Unclassified Part-time	Yes, proportionate to the number of hours scheduled to work	Yes, proportionate to the number of hours scheduled to work.	Yes	No	Yes, proportionate to the number of hours scheduled to work.
Temporary Classified/ Unclassified/Exempt (Full-time)	Yes	Yes	Yes	No	Yes
Temporary Classified/ Unclassified/Exempt (Part-time)	Yes, proportionate to the number of hours scheduled to work.	Yes, proportionate to the number of hours scheduled to work.	Yes	No	Yes, proportionate to the number of hours scheduled to work.
Contract Employee	No	No	No	No	No
^a Classified positions are those that are subject to the State's Position Classification Plan. Exempt positions are excluded from the State's Position Classification Plan and are listed in the General Appropriations Act. Unclassified positions are not subject to the State's Position. Temporary positions are those limited in duration and established for a specific period. Temporary positions also include seasonal employees. Contract positions are filled by independent contractors, temporary workers supplied by staffing companies, contract company workers, and consultants.					

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Appendix 3

Pay Entitlements Upon Separation from State Employment

Appendix 3 - Pay Entitlements Upon Separation from State Employment

Appendix 3

An employee who separates from state employment may be entitled to additional pay besides his or her regular pay. Table C lists the various pay entitlements to which an employee may be entitled upon separating from state employment.

Table C

Pay Entitlements Upon Separation from State Employment			
Pay Entitlements	Type of Separation		
	Any Separation in Which the Employee is Permitted to Remain on the Payroll to Expend Accrued Vacation	Any Separation in Which the Employee is Not Permitted to Remain on the Payroll to Expend Accrued Vacation	Death (Payment to estate)
Lump-Sum Payment for Accrued Vacation Leave	No, since the employee is allowed to remain on the payroll to expend accrued vacation leave.	Yes. ^a	Yes
Lump-Sum Payment for Accrued Sick Leave	No, also not eligible to use sick leave while remaining on the payroll to expend vacation.	No.	Yes, for one-half (½) sick leave hours not to exceed 336 hours.
Further Accrual of Vacation Leave	No	Not applicable.	Not applicable
Further Accrual of Sick Leave	No	Not applicable	Not applicable
Lump-Sum Payment for Accrued State Compensatory Time ^b	No ^b	No ^b	No ^b
Lump-Sum Payment for Accrued FLSA Compensatory Time	Yes	Yes	Yes
Payment for Longevity or Hazardous Duty	Yes	Not applicable	No
Holiday	Yes	Yes ^d	Yes ^d
General Salary Increase	Yes	No	No

^a Requires six months of continuous state service.

^b Texas Government Code, Section 659-015, provides exceptions to allow for the payment of state compensatory time to employees of certain agencies under certain circumstances.

^c Agencies should consult their legal counsel and the U.S. Department of Labor for more information regarding the payment of accrued FLSA compensatory time to the estate of a deceased employees.

^d Applicable for the period beginning on the day following the last day of employment and ending on the last working day through which the accrued leave would have extended.

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Appendix 4

Transfer and Rehire Leave Reinstatement Entitlements

Appendix 4 - Transfer and Rehire Leave Reinstatement Entitlements

Employees who separate from their current state agency and then directly transfer to another state agency without a break in service are entitled to have their remaining vacation and sick leave transferred to their new employer. In addition, employees who have separated from employment at a state agency and then are rehired by a state agency may be entitled to have their vacation and sick leave reinstated, depending on the length of separation from the State. Employees who have separated from employment are entitled to be paid for their vacation leave upon separation. Table C lists these entitlements, including the transfer or reinstatement of state compensatory time and Fair Labor Standards Act (FLSA) overtime.

Table D

Transfer and Rehire Leave Reinstatement Entitlements				
Employment Status	Transfer or Reinstatement of Vacation Leave	Transfer or Reinstatement of Sick Leave	Transfer or Reinstatement of State Compensatory Time	Transfer or Reinstatement of FLSA Overtime
Employee Directly Transfers From One State Agency or Institution to Another State Agency or Institution Without a Break in Service.	Yes. All remaining vacation leave should be transferred to the new state employer.	Yes. All remaining sick leave should be transferred to the new state employer. ^a	No	No. FLSA overtime must be paid by employer from which the employee transferred. ^b
Employee Separates from Employment at a State Agency and then Returns to State Employment after a Break in Service.	Yes, as long as the employee returns to state employment within 30 days of such separation. ^c	Yes, as long as the employee did not donate that leave and returns to state employment within 12 months after the end of the month following the employee's separation. ^{a d}	No	No. FLSA overtime must be paid by employer from which the employee separated. ^b
Employee Separates from Employment at an Institution and then Returns to State Employment after a Break in Service.	No. Employees who separate employment with the institution are entitled to be paid their vacation leave balance upon separation.	Yes, as long as the employee did not donate that leave and returns to state employment within 12 months after the end of the month following the employee's separation. ^{a d}	No	No. FLSA overtime must be paid by employer from which the employee separated. ^b
Employee Transfers to Another State Agency as a Result of a Legislative Mandate.	Yes. All remaining vacation leave should be transferred to the new state employer.	Yes. All remaining sick leave should be transferred to the new state employer.	Yes, if that is the agreement between the agencies. ^e	Yes, if that is the agreement between the agencies ^e . Otherwise, the employee must be paid for the remaining balance.

^a The transfer and reinstatement of sick leave applies to "earned" and accumulated sick leave in accordance with Texas Government Code, Sections 661.204 and 661.205. Sick leave pool and donated sick leave is not eligible for transfer or reinstatement.

^b Code of Federal Regulations, Title 29, Section 553.27(b), states employees must be paid unused FLSA compensatory time upon termination with an employer.

^c As long as the employee has had continuous employment for at least six months.

^d Employees who separate for reasons other than a formal reduction in force and who are re-employed by the same agency or institution within 12 months may only have their sick leave balance restored if they have had a break in service of at least 30 calendar days since their date of separation.

^e Texas Government Code, Section 662.0071, as amended by Senate Bill 706 (85th Legislature, Regular Session), provides the specific situations in which agencies must agree to transfer an employee's state compensatory balances, and may also be applicable to FLSA overtime.